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CHAPTER XXI.

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INTRODUCTION.

.term political literature, we must comprehend
ing connected with civil government: the
.nistration of justice; the production and diffusion
wealth; and whatever is immediately or remotely
onducive to the social happiness, political power, and
ell-being of a people. A nation may be considered
n the light of a great family; and whatever promotes
he safety, peace, and comfort of that family, may
roperly enough come under the denomination of
olitics—of which political literature is the direct and
angible expression.

It must be obvious that a vast field is here opened
the reasoning faculties, and literary acquirements of
hen. In no department of human speculation and
nquiry do we find fiercer contentions, more contradic-
ory opinions, and more vehement desires manifested
fter victory, than in the sphere of political literature
iscussion. A person looking from a distance on
ena of public life, and unacquainted with the

leading principle of civil polity would be apt to come to the conclusion, that all here was uncertainty, uproar, and confusion; that no one fundamental axiom was beyond the reach of dispute; and that truth seemed to make her escape from those engaged in the general and boisterous scramble to lay hold of her. Indeed, the fact is indisputable, that many sober-minded and intelligent persons give themselves up to a vulgar kind of scepticism on political matters; and maintain there is nothing true, nothing scientifically certain in this branch of knowledge. Nor is this scepticism merely the embodiment of the casual and every-day conclusions of common life, and narrow observation; it is now even formally enrolled in recent books of philosophy, and bandied about from writer to another, as something very profound, nal, and interesting.

We shall not stop at the present moment to en upon any formal examination into the value an reasonableness of such doubts; this we shall do i another section of this treatise. We shall merely ob serve, what a moment's consideration will suffice t show, that matters connected with the security an happiness of a nation, are pre-eminently calculated t give rise to the highest exertions of the intellect, an the proudest efforts of logical skill. Even the subor dinate divisions of the general science of politics, ar calculated to call forth the most profound and subtil powers of argumentation. The doubts which some ar led to entertain as to the solidity of the general prin ciples on which all comprehensive systems of genera polity rest, may fairly be referred to causes unco nected with their abstract truth, or scientific va

The ordinary sources of such doubts chiefly take their rise from the following circumstances.

A portion of the difficulties connected with speculations and inquiries into political science arise from the innate complication of the subject itself. There is only a very limited view of the consequences of any given public measure afforded to the mind, even under the most favourable circumstances; and it is often difficult to keep up such a degree of attention to one set of causes and effects, as will enable a person to trace out their several bearings through the indefinite ramifications of social life. The intellect is apt to become confounded by the multiplicity of objects, which at once solicit and demand consideration.

Another prevailing source of differences in political ... ent and opinion consists, in the interests of man... being closely and personally connected with their ...scussion. It will often prove a vain effort to con...ince a man of the expediency or wisdom of any ...articular course of state policy, if his private interests ...re likely to be endangered by its adoption. He will ...ommonly reject all kinds and degrees of evidence; ...nd the more palpable the testimony, the more ob...tinate will be his resistance. In other departments ...f knowledge, discussions are conducted with compa...ative ingenuousness and freedom from passion; but ...olitical questions come more immediately in collision ...ith the prejudices of particular classes of the com...unity, and by this means their minds become unfitted ...r giving the requisite degree of patient and clear ...ttention to those distinct and broad principles, on which ...e truth and expediency of such questions rest.

The want of that power of the mind which seizes

hold of general principles, and submits them to a process of severe scrutiny, leads likewise to the establishment of erroneous political maxims. If a person do not possess this mental faculty in a suitable degree, his reasonings will be founded on isolated and unimportant facts; the faulty premiss will produce a wrong conclusion; the trivialities of petty legislation will assume an undue importance; and the power of discrimination between truth and error will be entirely obliterated.

The mixed nature of political measures likewise causes much misconception and doubt to the best and ablest of men. Some legislative measures are of a character partially beneficial; and, on their first introduction, bear promise of attaining the end for which they were framed. A lengthened trial, however, discloses imperfection; and the authors of such statutary experiments, eminent as they be for rank, ability, and honesty of principle, are compelled to submit to the mortification of legislative defeat. If this led to the future practice of extreme caution only, an occasional misfortune might be said to be productive of good; but a political failure of this kind is apt to generate in a legislator one or two evils—either a morbid irresolution, or a reckless spirit of law-making adventure.

The legitimate purpose of all writings on politics, is to make the reader understand the general and true principles of social and political life. These exercise such a vast influence over the characters and happiness of mankind, that they never can be too often, nor too plainly and simply, laid before the public mind. No man can have the slightest claim to the title of politician who is unacquainted with the leading principle

of the social contract, or who does not keep them before him in all party discussions, and matters of legislative detail. These principles are of immense importance in preserving the mind from vague and undefined notions, springing from desultory reading or reflection, as well as for keeping the reasoning faculties duly balanced, amidst the everchanging and variable objects of political interest. A man must rise above the every-day bustle of mere newspaper controversies, if he wishes to avoid giving too much attention to ephemeral topics; and must keep steadily before him all those great and vital maxims of general polity, which, when fully unfolded, can alone confer true happiness, tranquillity, and power upon any nation.

How many busy and active minds might be found amongst the political parties of every state, who have never once asked themselves, "*What is a Government?*" And yet how natural a question to suggest itself to persons sitting in judgment on matters deeply affecting the happiness and welfare of millions of their fellow-creatures. But casting our eyes in almost every direction in Europe at the present moment, we recognise, by the every-day speeches of legislators, their crude enactments, their narrow views, their huckstering expedients, their selfish feelings, and party rancour, what an extremely difficult matter it is to fix sound and general truths into the minds of those, into whose hands the reins of political power are commonly placed.

The only remedy for these evils is an extension of political knowledge among all ranks of the people. They must be taught, or they will never fully appreciate the rights and duties of citizenship. Information

can be obtained here only by attention and study. The great interests of society would be essentially promoted by an enlightened and universal knowledge of its origin and character; and every community should feel a deep interest in extending, in all directions, the elements of political science. There is no real danger to the permanent interests of humanity to be apprehended from this knowledge. It has been the steady policy of all governments to act upon the principle that all political knowledge belonged, by a species of legal right, to the higher orders of the state, and that the mass of the people had nothing to do with the business of government, but to yield implicit obedience to its laws, and discharge all the fiscal exactions it might impose. And this general notion is entertained in all directions at the present moment; and we see, in the movements of governments which lay claim to a liberal and enlightened policy, continual references to this cardinal point in their legislative science. It is seldom, indeed, that a government will openly and in direct terms promulgate its anathema against useful political information; but it often happens that every indirect mode is adopted to keep the people in profound ignorance, as to public matters intimately connected with their happiness and comfort.

A government that is hostile to the extension of philosophical and useful political information, acts in direct opposition to one of the plainest and simplest rights of the community. The great masses of the nation form its real strength and power; and they possess an inalienable right to every species of political knowledge connected with their happiness and well being. The Almighty has endowed them with faculties

or the acquirement of this knowledge. Who, then, ought to deny them a free and unrestricted range in the fields of political science? As well might we deny them the cheering light of the sun, or the salubrious breezes of the air, as to impede the progress of truth to their minds, shut them out from all knowledge of the real principles of the social union, and consign every man to a state of political servility and debasement. Such conduct on the part of rulers is destructive of the best interests of a nation. It is debarring the people from the influence of those great truths which are the emanations of Divine wisdom, and the terms of national happiness, and moral progression.

We wish not to be misunderstood as to the nature of that knowledge we think useful to the people at large. We do not confine the terms *useful political knowledge* to the more intricate questions of social economy, where long study and peculiar powers of mind are requisite for their complete mastery; nor to those secret intrigues and deliberations of cabinets, on which some men set so high a political importance; but we mean those great principles of social morality, which constitute the standard of civil polity, and from which all good laws and sound legislative measures proceed. These principles are identical with the happiness and improvement of man in all situations; and knowledge of their nature, mutual connection, and consequences, we hold to constitute really useful information, worthy of the ardent curiosity, and indefatigable pursuit, of every individual in the state. We advocate the acquirement of great and vital political truths—truths of universal application—truths that recognise no national peculiarities—truths that are as

high and bright as the heavens, and as broad as the earth.

A common objection brought against the dissemination of political knowledge among the people at large, is, *that it would render them discontented and turbulent.* This we think groundless. It will be found here, as in many other departments of learning, that the more people know of it, the more cautious and dispassionate do they become in all their conclusions and judgments relative to it. When a nation becom accustomed to exercise their minds on public matters their moral feelings acquire a more vigorous tone, the more hasty and grosser passions become better regulated and refined, and the entire mental economy the state is more decidedly and steadily directe towards objects and measures of an improving an elevating cast. There is nothing so dangerous t political power of any kind as ignorance. It will b found to be a great and salutary truth, that if rulers really do their duty conscientiously and wisely, an keep the public weal steadily in view, they hav nothing to fear from the widest diffusion of politica information. It is only irresponsible and despotic governments which aim at keeping their subjects i the dark on public measures.

We have heard another objection urged by piou and well-meaning people, that political studies *are ap to exercise an unfriendly influence on the devotional fee ings of the community.* This we likewise think entirel groundless. The best things are liable to abuse. Th same objection might be urged against all kinds knowledge and learning. Politics, in proportion a they became more generally and widely studied, woul

e found to have no more engrossing power over them han other mental pursuits. Unquestionably, the true ath of wisdom lies in keeping every subject of specu- ation within its own natural limits, and preventing it rom absorbing more than its due share of attention. Ve have before us bright examples of Scripture atriotism to direct us. We know that Abraham, and loses, and Daniel, and Nehemiah, and many others, ght the principles of political science. The duties itizenship were held by them to be of the most ered kind, and nothing can be more repugnant to e views they entertain than a tame acquiescence in norance or oppression. It is, therefore, in strict nformity with both the letter and spirit of the sacred non to diffuse political information among the ople; for it is only by the fruits of such information at the economy of revelation itself can be effectually ried out.

If there be any truth and force in these remarks, e question may fairly enough be put—do the pre- nt educational institutions of Europe generally, vour the extension of useful political knowledge? e think not. And not to refer directly in support our opinion to any of the continental modes of im- rting instruction, which, as far as the real philosophy government is concerned, are upon a notoriously rrow and illiberal scale, we shall take our stand on the mode of education pursued in our own untry, where there is a wider public platform for litical discussion and sentiment. It appears to us, en, that the great error in all British seminaries of struction, both aristocratic and popular, and the ason which the knowledge there acquired, has such

a benumbing effect upon practical information on poli
tics, is, that the whole system of education is base
on too narrow a foundation. The several branches o
knowledge, grounded more directly on human nature
are imperfectly expounded, and rarely cultivated t
that full extent commensurate with their intrinsic im
portance. To limit inquiry to the ordinary branche
of natural philosophy, the mathematics, and classica
literature, cannot be called a comprehensive system
education. Moral and political sciences ought to
considered in all their bearings and aspects. The
affect the well-being of every human creature, ho
ever elevated or humble in the scale of social existen
They bear more tangibly and directly upon the hap
ness of vast bodies of men, than any of the branch
of knowledge commonly taught at public universitie
We hold, therefore, that our systems of gener
education are, in this particular, defective and p
tial. The great branch of knowledge—the p
losophy of citizenship—is almost entirely exclude
Now this should be made a cardinal topic of instructio
Every student going from our universities, seminarie
and schools, should know something substantially abo
it. The leading principles of the science of govern
ment, and the general polity of states, should be fix
in his mind, so that he might be able to deduce a
illustrate from them the civil rights of men, define t
boundaries and subdivisions of them, and have a sy
metrical and well-balanced system in his own min
This would prove a most valuable species of informa
tion to him, when he came into active life, to fulf
the various duties which it required.

There is a constitutional want of affinity betwee

eneral knowledge—that is, a knowledge of the mate-
al world and its laws—and political knowledge; and
his want of affinity may be in some measure accounted
or, if we attend to the following considerations. It
s a mistaken notion that a knowledge of scientific
ubjects can lead men directly to a knowledge of
olitics. What are properly called *politics*, appertain,
n a great measure, to men's affections, social habits,
nd condition. They know from the ordinary feelings
f their nature when the political machine gets seri-
sly out of order, without any great depth of book
rning. If a man have the most profound astrono-
cal, or geological information—if he can even
culate the revolutions of the celestial spheres, and
e accurate representations of every strata of the
be from pole to pole—this knowledge will not aid
n much in ascertaining the nature and value of
litical truths. The reason is, that pure material
ience, abstract mathematical evidence, and a know-
dge of languages, ancient or modern, have little or
thing in common with politics. These refer to the
ner man. There is little affinity, or sympathy be-
veen them. The evidence of the one does not apply
that of the other. Hence it is, that for men to
derstand their civil relations, they must be taught
em; a given scheme of regular instructions should
marked out for them; and then these important re-
tions would be thoroughly comprehended and under-
ood.

It is impossible to overrate the importance of the
olitical instruction of a people. It gives life and
terest to all history. Without it scenes and localities
ill remain barren, and stir no thought. It is the

only fund out of which materials can be obtained f
judging of the progress of civilization and public opinio
and which can furnish, besides, the only valuabl
safe-guards against the revival or waning forms of e
roneous modes of legislation and government. We
political literature—by which we understand not
mere chronicle of wars, political intrigues, or barre
facts, but a record of the abstract principles of polit
recognised and acted on by nations at particular epoc
of their history—generally inculcated among the nece
sary elements of instruction in all civilised communiti
there would soon be manifested a higher estimation
all civil and religious privileges, and a more pro
and ready detection of legislative error and misr
When a people are versed in the history of the gr
principles, laying at the foundation of social institutio
they have the elements of a regular and peaceful i
provement of their condition in their own hands, a
a valuable test at all times of the intrinsic importan
and practicability of new and untried measures. Po
tical errors, are, in nine cases out of ten, the offspri
of ignorance and darkness; and nothing so effectual
chases them from society, as to lift up the veil to t
people at large, and make them acquainted with wh
is really based on truth, justice, and enlightened e
pediency.

That an early study of the true principles of politic
science is essentially requisite, in a country whi
justly boasts of so many excellent maxims and prin
ples of civil government and civil institutions, w
scarcely be denied; yet when we look at the negligen
on this head, in the total omission of any direct kin
of public instruction, calculated to impart a fair shar

knowledge of the subject, we are led to express our tonishment, that the people of our country are so ell informed on public matters as they really are. ishop Berkeley justly observes that, "The pretensions nd discourses of men throughout these kingdoms, ould, at first sight, lead one to think that the in- bitants were all politicians; and yet, perhaps, political isdom hath, in no age or country, been more talked , or less understood. License is taken for the end government, and popular humour for its origin. o reverence for the laws, no attachment to the con- tion, little alterations to matters of consequence, altercations about trifles."

s our aim in these volumes, is not to write a natical system of political philosophy, but to scan the leading literary productions of those who e, in all ages, treated either of the entire science polity, or detached or isolated portions of it, our elopment and illustrations of this philosophy will, sequently, assume an inferential, rather than a itive or doctrinal character. But as there are some mentary matters connected with all the phases of itical literature in every country and age, it will ve of use to the ordinary reader to direct his atten- briefly to them in this introduction They will ve, it is hoped, of some utility to those especially o may not have hitherto directed their attention to subject.

ll political literature has the *nature of government* its theme. What is a government? It is an bodiment of power and obedience;—power in the nds of rulers, and obedience in the people. What the grand purposes of government? To promote

the peace and happiness of mankind. The value
all sound and constitutional governments are estimat
by the measure of liberty they confer on the indiv
dual members of the state, compatible with the safe
and well-being of the whole. These are the leadi
points of discussion in all literary and scienti
treatises on politics as a general system of hum
knowledge.

From the common point of view in which mankin
have contemplated political power in all ages a
countries, there has arisen a sort of uniform mode
classifying and speaking of its direct manifestatio
society. This classification is recognised in almos
ages, and in almost all books and treatises on
subject. It is of great use, because it enables u
treat of individual principles of vital importance,
to keep steadily before us, the various natural
artificial distributions of political power, and how
and in what degree, they are fitted to act, directly
indirectly on the welfare of a people. This classif
tion embraces three great branches or divisions
power; the Monarchical, the Aristocratic, and the D
mocratic. This is not to be considered in the light o
perfect division of power; it is only adopted now,
it is used by most all writers, for the sake of metho
cally treating of the general elements of po.t
knowledge. These three kinds or species of gove
mental power run, as it were, into each other
numerous ways and degrees; and this depends u
how far other three kinds of power are engrossed
any one of them singly;—namely, the *legislative*, t
executive, and the *judicial* power. On each of the
subordinate descriptions of power, we beg to make

mark or two, with a view of facilitating the comprehension of the entire subject.

A government may be compared to a compound machine. In all mechanical contrivances, it is the *power*, and the *weight*;—the power to be applied, and the weight to be raised. So likewise is it in reference to government; it is the *power* imparted, and the *benefit* to be realised by its application. A government frame-work consists of three grand divisions; embracing the whole mass of its innate or primary principles, and the ends and appliances to which that power is subservient. Those divisions are the legislative power, the executive power, and the judicial power. The legislative power is to make the laws. This is the comprehensive power; and, in a certain point of view, seems to embody every other kind of authority. "The legislature," says Blackstone, "is the greatest act of superiority that can be exercised by one being over another. In most kinds of which, in common acceptance, is termed *constitutional* government, its boundless and undefined range is more apparent than real; for it is under the control of justice and the natural good."

The duties of the executive power is to see the laws executed by the legislative carried into effect.

The judicial power is of great weight and importance. Every thing valuable and important in a country—the order, security, and civil rights of the people, depend upon the faithful and independent character of its judges. Hence, in almost all ages, and under almost all forms of government, wise and upright men filling the judicial office, have been considered as a great national blessing.

Where the legislative, executive, and judic
powers are all centred in one person, the governme
is called an *absolute monarchy*, or pure despotis
Again, when these powers are exercised by one a
the same select body, composed of a certain class
persons, then the government, in point of form,
termed a *pure aristocracy*. If the several powers
divided and distributed among various functionari
then the government is termed a *mixed governme*
If the executive, for instance, be delegated to a
person, it is a monarchy; if to a certain class o
sons, it is an aristocracy; and if to magistrates el
or chosen by the people, it is termed a republic.
the same thing may be observed relative to the l
lative power. It is obvious, therefore, that t
forms of general government which are termed,
narchical, Aristocratical, and Republican, may
variously mixed together by the delegations and l
tations of the legislative, executive, and judi
powers, in certain given proportions, so as to crea
great number of varieties in each kind, and, in rea
to nullify the correctness of any such political cla
fications. But one thing may be kept in view,
whatever be the precise form of a government,
aggregate exercise of the legislative, executive,
judicial powers of the people, must constitute
which is truly denominated the *internal sovereign*
a nation.

There have been two grand ideas pervading
entire mass of political literature from the earl
times to the present hour, namely, *liberty* and *tyran*
To obtain the first and avoid the last, has been
great and ostensible burden of all the speculations

liticians, of whatsoever grade, party, or country. n all their discussions, the ideas of what constitutes state of liberty, and a state of tyranny, are conantly forced upon the attention. All political ssertations derive their interest and usefulness from eir connections with these two antagonistic states of man society; and it can only be from possessing lerably steady and correct notions of what liberty d tyranny really mean, that any substantial benefit n accrue from the study of politics as a science.

In the present state of public feeling, both in land and in other countries, when the masses of people are uniting with energy, and generally with rd, to obtain a more extended influence over the ng of the laws, this subject becomes one of ar interest. A state of liberty is commonly eived to be that where the laws are, in a considerdegree, under the controul of the mass of the n. This state is always indicative of prosperity eal power. Men living in a state of freedom, ontented with their social position, are attached laws and institutions of their country, and e their individual interests to be blended with of the community. The opinions and sentiments ng out of such a state of society as this, form eat stimulants to national industry, and to that ty of conduct so conducive to the general welfare. members of the community are placed under a y discipline, and become quickly sensible of the l advantages of their position; since virtue and ness are uniformly wont to flourish when men the full privileges of citizens. History does not to establish the truth of this fact. Those free

cities where the suffrages of the people were allow
a proper share of influence in the election of mag
trates and public officers, were never wanting in ab
men, devoted to the advancement and preservati
of the public weal. It is the nature and profess
object of popular governments to augment the pow
riches, intelligence, and humanity of the people; a
wherever there is a failure in this respect, it commo
proceeds from some attempt of the few to monopol
an improper and overbearing influence.

The term political liberty is liable to be misund
stood and misapplied. Persons who do not re
conceive that it denotes the power to do everyt
which caprice may dictate; and this belief, from
and ignorance, is by no means uncommon. Man
state of society, may be said to have no *absolute* li
or privileges whatever. These are purely conditi
and are regulated and enjoyed in constant refer
to the rights of other members of the commu
Government is a means to restrain, to countera
enforce, to command, and to correct. Rational li
proclaims an obedience to rational law, and ch
every transgression of it.

Tyranny, in every shape and form, is the mo
of political power in a few hands. The people
no direct influence in the state. Hence, the
passions of human nature are called into activity
the most unworthy means are employed to perp
and strengthen this power. An interest is cr
and upheld contrary to the public good, an
people are oppressed to support a system fabri
for their enslavement. But the exactions of desp
are paid with loathing, and received with suspi

ose who profit by national abuses, are forewarned their unpopularity, by the consciousness of error l injustice; and, in accordance with the state maxim, ey fear those who hate them, and hate those they " This is the invariable result of that obstinate active contempt of personal right, which adopts agency of force to assure its predominence.

Tyranny is not a matter of form or name. Men not necessarily oppressed, because they happen to under an absolute monarchy, a mixed government, republic. Tyranny is something *done;* it must omething which is the cause of a whole people, or reater part of them, being made to suffer griev- ils and wrongs. When this evil is inflicted, the uperior to general consent, is one of positive ny, without any reference to the form of govern- t under which it may be accomplished. It is the and not the *name* that constitutes oppression.

bygone ages, personal cruelty was the distin- ng characteristic of irresponsible power. The ror Maximian condemned to death all those whom spected were informed of the lowliness of his ian origin; Augustus fed his lampreys with thrown alive into the stew-ponds; and the ladium damnati" of the Colosseum were "but- to make a Roman holiday." But another era wned, and tyranny, though still existing, is com- to pay a greater deference to public opinion. rute violence of the earlier times disappeared the crafty severity of the dark and middle ages. yranny of modern times assumes a fiscal charac- It takes away the substance of the people under us pretexts. This species of tyranny is to be

estimated by the annual drain of the resources of
community. It is of no consequence under what na
or under what form of government, these resources
absorbed and directed out of their legitimate chann
This may be effected in our own country by "Ki
Lords, and Commons;" in another by a "Preside
Senate, and Representatives;" and in a third by
right Divine of an "Absolute Monarch;" but
tyranny is the same in all cases. When the substa
and energies of the people are wasted, it is tyra
of the worst kind, whether it owes its paternity to
Emperor, King, Consul, or President. It is by d
alone that the public judgment is to be conducted
right conclusion on the matter.

This statement must not be misinterpreted.
not intended to affirm that all abstract forms or m
of government are alike indifferent. These mode
forms embody principles; and on this account are
titled to the utmost attention and regard. Po
history, and political writings in general, furnish
examples of governments possessing the outward
blance of liberty, which, nevertheless, prove
practical operation, to be positive tyrannies of
worst sort. There may be theoretical freedom—
is, freedom on paper—with practical despotism
perhaps, the most insidious and dangerous viol
of public right are those which, under a gover
nominally representative, are effected by a craft
gradual introduction of improper means, in furthe
of acts of injustice, that become afterwards off
stamped with the authority of public sanction.
of tyranny thus statutised cannot be too narr
scrutinised, and exposed.

The general conclusion that may be drawn from these brief remarks is, that liberty means the power which the people should possess in the making of the laws, and the personal application of the fruits of their own substance and industry. In an exact proportion as these powers and privileges are enjoyed, the happiness and welfare of the nation are promoted. Tyranny, on the other hand, means the unjust and violent retention or concentration of political power, and the fiscal extortion of the resources of labour and skill, by a few persons or select class. Wherever these display themselves, misery and moral debasement necessarily follow.

A despotic mode of government is an evil, because the "Father of the people," may be succeeded by the "Brother of the few;" neither is a republic, although possessing the perfection of just and equal laws, always a guarantee for public faith and political virtue. Governments must be tested by their immediate acts; it is only by this standard that a people can determine what is, or what is not, for their benefit and freedom.

Political writers of all nations have had, on the whole, a more direct and powerful sympathy with the people at large, than with any particular classes or portions of them. True, we see instances where some lend their aid to the strong against the weak—to the powerful against the simple and confiding; but, besides these being exceptional cases, we have this fact presented to us, that even when such writers have taken up weapons against sound doctrine, and constitutional freedom and progress, they have had to make appeals to the common feelings, instincts, and notions of man-

kind. They have had to employ the organs of the *sapienza volgare*, or the general sentiments of human nature. They have had to touch what is of universal interest, and what moves the deepest passions of the human breast. In no language, nor in any age, do we find a single political writer, who ever felt he was in a position, with any theory or piece of political philosophy, to set these at defiance. Taken as an entire class, literary politicians of all ages have been men of broad and popular sympathies; and have founded their theories of polity—whether for or against change—whether of a practicable or impracticable cast,—upon the universal basis of human desires, passions, and instincts.

There is no class of writings owe less to private or public patronage and applause than those of a political cast. The majority of these authors have repaid by sufferings and persecutions, of which volumes would not suffice to give an account. general and comprehensive truth has had to ma way to the public mind through hosts of prej and apathetic hearers; and from the days of goras, who had to flee from Athens on account political writings, to the present hour, the between interested ignorance, and sound kno has raged with unabated violence, and dete hostility. We owe, therefore, to political writ a body, our highest meed of commendation an titude. They have always stood in the ver ranks of human progress, and practical freedom. of these brethren, in all ages have been temp lend their aid to perpetuate ignorance and oppre but these have been comparatively few in nu

and even their temporary defection from sound principles and patriotic sentiments, had often a powerfully direct and beneficial effect in promoting, in the long run, the extension of real knowledge and information among the great family of mankind. The chief portion of scientific and philosophical writers on politics in all ages, have been men of noble views, and disinterested aspirations; anxious to diffuse the seeds of truth among the masses of the people; and who have boldly and fearlessly propagated their principles, amidst the most untoward circumstances—alike against the frowns of power, and the misguided feelings of popular sentiment. Every epoch of political literature has had its martyrs, who have cheerfully laid down their life as a sacrifice for these abstract principles of civil polity, which we now consider the common inheritance of the world.

We are, indeed, often called on to lament, and with reason too, the fate of some distinguished philosophers, whose discoveries in science only obtained for them the dungeon or the axe; but these have been comparatively few in number compared with the host of political writers, who, in their respective generations, have been doomed to bear the ill-will and contumely of the world. The accusation against Roger Bacon that he was a magician, or the sending of Galileo to prison for asserting the true theory of the heavenly bodies, are but slight matters contrasted with what has been given to the authors of political speculations. They have been a proscribed and trodden-down race at all times and in all countries. The sufferings from the world's scorn and hate, which the cultivators of all other departments of human investigation have ex-

perienced, would, if put together, be in comparison with the persecutions of political writers, only as the drop of water to the ocean. It is the political thinker who has had to bear the ingratitude, the apathy, and the unrelenting wrath of mankind. He, above all the "race that write," has felt the fierceness of power. Being generally a man of bold and independent mind, and of quick and disinterested feelings, his battling with society has always laid him open to every conceivable form and degree of mental anguish and bitterness. He has almost always stood alone, and been greatly in advance of his age. We see no government taking him by the hand;—no royal society or institution crowning him with laurels;—no influential patron holding out his hand and his purse. He is the social Ishmaelite of his age, having his hand against every one, and every one having his hand against h[illegible] Dealing with truths and principles of the greatest [illegible] ment to mankind, and imparting to society all that adorn, and give stability and power to its struct[illegible] he lives without reward, and dies without honour.

As time rolls on, and wholesome and comprehe[illegible] political information extends its healing and enlig[illegible] ing influence among mankind, due honour will cert[illegible] be paid to this class of thinkers and authors. [illegible] respective writings and merits will be better k[illegible] and appreciated, and the great truths they deve[illegible] and illustrated more firmly rooted in the unders[illegible] ings and memories of men. At present, political wr[illegible] of the past are thrown into a promiscuous heap, [illegible] were, and individual distinction can hardly be ma[illegible] but this state of things will undergo a change, w[illegible] the principles of the science of polity, extensive [illegible]

varied though they be, shall be properly assimilated to the public mind, and their history more fully and pointedly revealed. Erroneous legislation, party prejudice, narrow views, and popular delusions, may, for a season, retard the consummation of this end; but these will be removed one by one, and the entire science, and its historical progress, shall stand before the judgment of future generations, delineated in vivid and accurate distinctness.

New principles in politics must always be the result of pure speculation, and cannot, like many principles of natural philosophy, be verified by facts, previous to their public enunciation. We cannot make experiments on civil society as we do on material objects, because in all contemplated alterations and reconstructions of civil life, we should infallibly produce great [illegible]l mischief, and be successfully thwarted by the [illegible] resistance, and interested passions of men. Poli[illegible] writers have, therefore, little in the way of [illegible]riment to guide them. They are obliged to rely [illegible] on *à priori* reasonings, and draw their argu[illegible]s and conclusions from abstract rules and data. [illegible]eneral principles they advance always outrun the [illegible] amount of the experience of the age. Hence [illegible]re for ever open to the erroneous interpretations, [illegible]he hasty and crude judgments of the multitude. [illegible]s time moves on, such principles bring conviction [illegible] to the minds of men; and they gradually assume [illegible]appearance of every-day truths, which it would [illegible]he height of ignorance and presumption to call in [illegible]tion.

[illegible] contemplating the character and fortunes of [illegible]ary politicians, I have often thought of a beautiful

passage in Lord Bacon's *Advancement of Learning*, where he seems to have fallen into nearly the same train of thought. "Another fault," says he, "likewise much of this kind, hath been incident to learned men; which is, that they have esteemed the preservation, good, and honour of their countries, or masters, before their own fortunes and safeties. For so saith Demosthenes unto the Athenians, 'if it please you to note it, my counsels to you are not such whereby I should grow great amongst you, and you become little amongst the Grecians; but they be of that nature as they are not sometimes good for me to give, but are always good for you to follow.' And so Seneca, after he had consecrated that *Quinquennium Neronis*, to the eternal glory of learned governors, held on his honest and loyal course of good and free counsel, after his master grew extremely corrupt in his governm Neither can this point otherwise be; for lear enducth men's minds with a true sense of the fi of their persons, the casualty of their fortunes, the dignity of their soul and vocation; so that impossible for them to esteem that any greatn their own fortune can be a true and worthy c their being an ordainment; and therefore are dc to give their account to God, and so likewise tc masters under God, (as kings, and the states that serve,) in these words, 'Ecce tibi lucrefci,' and 'Ecce mihi luerefici,' whereas the corrupter so mere politicians that have not their thoughts establi by bending to the love and apprehension of duty, ever look abroad into universality, do refer all th to themselves, and thrust themselves into the ce of the world, as if all times should meet in them

their fortunes; never caring, in all tempests, what becomes of the ship of estates, so they may save themselves in the cock-boat of their own fortune; whereas men that feel the weight of duty, and know the limits of self-love, use to make good their places and duties, though with peril; and if they stand in seditions and violent alterations, it is rather the reverence which many times, both adverse parts do give to honesty, than any versatile advantage of their own carriage. But for this point of tender sense, and fast obligation of duty, which learning doth endue the mind withal, howsoever fortune may tax it, and many in the depth of their corrupt principles may despise it, yet it will receive an open allowance, and, therefore, needs the less disproof or excusation.*

In looking at the progress of political philosophy, see no small portion of unprofitable speculation, trifling discussion. Such dross attaches itself to ything human. Politics have their alchemists visionaries, as well as their sober and rational osophers. But however remote from truth the ulations of many writers on politics may have , yet the mass of them had some grounds in the ties of human nature, and have often been subent to more profound and solid thinkers. Rash ndigested theories ofttimes lead the mind to the lesome path of observation and experience, and ulate men of superior powers to clear away what umbersome and useless, and develope truths of a y and abiding character. General polity has drawn sustenance from a variety of sources;—some of m of a very uninviting and unpromising character.

* p. 98.

The abstruse speculations of the metaphysician, the moral refinements of the casuist, the subtilities of the logician, and the dry and husky disputes of the scholastic doctors, have all yielded practical principles of great value in the science of general government, and led statesmen and writers to treasure up and systematise many of the every-day maxims on social life and political institutions, which are now the common patrimony of almost every civilised people in Europe.

The political philosopher is a man who has more to do with the inner, than the outer world;—has to contemplate more attentively the thoughts, actions, and passions of men, than the physical laws and properties of mere external agents. Whenever great principles are to be brought to light and riveted on the public attention, he must enter into the arena of his own intellect, and draw his proofs and illustrations f the internal sphere of thought and feeling. This the source of his power, and the secret of his pred nance over the intellects of others. He require cultivate a habit of abstraction and scientific inqu to be always under the influence of a profound co tion of the vital importance of those general princ which lie underneath the most common and ho facts; and to develope his views in those clear precise terms which will lead less informed and sl minds to observation, and steady and concentr thought.

It is chiefly from this cause that the study of po cal science imparts to its cultivators so much pleasure and delight. A mind once accustomed this kind of inquiry, and that has acquired the h of applying general principles to individual facts a

circumstances, has an inexhaustible source of agreeable and exciting contemplations. A man sees beauty and order where the uninformed and uninquiring eye sees nothing but darkness and confusion. His sphere of research is as boundless as humanity itself. A thousand interesting topics of investigation are incessantly demanding his attention, so that his faculties are kept in a state of perpetual activity, highly conducive to the augmentation and perfection of his knowledge.

The politician has likewise one great advantage, in common indeed with all who make human nature their study,—that the objects of his thoughts lie every way around him, and are altogether independent of external circumstances and advantages. The range of his operations is confined to his own bosom, and the pleasures derivable from contemplation can be enjoyed in all situations of life. The astronomer and the chemist need numerous and costly instruments for the direction of their knowledge; but the politician can dispense with all such material and artistic aids. He can pursue his speculations, apart from the agitations and annoyances of the busy world around him, where passion, and prejudice, and interest, are continually disturbing the equable movements of the understanding, and repressing its ardour in the pursuit of truth. The contemplation of the general laws of social life, apart from mere individual feelings and ends, can be carried on to an indefinite extent by the unassisted intellect; and political problems, requiring the noblest faculties of the mind can be solved either by the wayside, or in the secluded recesses of the closet.

As we advance in our reasonings on political science,

and systematically arrange and weigh the results of experience, we more prominently bring out to public view, the progressive character of this important branch of knowledge. The complicated nature of the social and moral relations of mankind becomes less apparent and bewildering. We are enabled to grap more closely and successfully with the grand probl how the advantages of general government are to secured to the masses of the people with the le inconvenience and expence? As our information tends, we recognise more clearly those physical a moral principles on which the governmental affair the world rest; and feel more and more convin that, however temporarily trifled with or disregard they must sooner or later become the leading ob of attention in the minds of all statesmen and p cians. When the mind once seizes hold of the i that great and noble ends are to be achieved, by w the general condition of human life is to be v improved, and all the members of society placed more elevated and improved condition, we no l look supinely on the course of events, but fee spirit of activity, vigorous within us, and an in consciousness, that we shall be able to subduc overcome many of these formidable evils and pe ities, which nature seems to have almost indisper interwoven with man's social existence. It is cheering hope of conquest, that will ultimately down those obstacles, which selfishness, passion, pr dice, and ignorance, oppose to the fairest hopes, highest prospects of civil and political improveme in all parts of the world.

Political science is the embodiment of civiliza

s most extensive meaning and application. For uccessful and complete exposition, we must inves- te the character of a nation, and the principles of an nature generally; and if we are content to be led by the fundamental laws displayed in the rnment of the world, and not thwart their obvi- intentions, there will be scarcely any assignable ts to the progress we shall make in the science of rnment, and the improvement of mankind. We renewed confidence and power in every successful lopment of a general principle of polity; and the the mind of a nation is directed to the general of social existence, the more cheerfully and un- vedly does it commit itself to their operation, and elevated, disinterested, and benevolent, does ome in all its movements and aspirations.

eral information increases the political sagacity ople,—leads them to develope and discuss new les and projects of civil government,—and them sensitively alive to every proposed change r social polity. Had many of the axioms of the of citizenship, that are now the common nce of even the mass of the people in many been propounded all at once, they would, in ability, not only have been rejected, but their treated as wild and dangerous visionaries. they have been developed in the slow succes- f ages, they teach us the useful lesson, that what be regarded as erroneous and pernicious in one may be considered true and salutary in the next; hat the power of man over his own social nature destiny, may be indefinitely increased, by steadily ted thought, and careful observation. Such is

the plastic and expansive consistency of the hu
character, that as his views of society enlarge, and
wants and desires multiply, in the same ratio do
facilities for their gratification increase. His facu
are again invigorated, and directed to fresh chan
of inquiry; and he is thus, in his aggregate capa
led on from one step to another, till he penetrates
the inmost recesses of the body corporate, laying
all its extensive and complicated tissues of passi
motives, wants, purposes, and designs.

CHAPTER I.

W GENERAL OBSERVATIONS ON THE OLD AND NEW TAMENTS, CONSIDERED AS RECORDS ON POLITICAL SPECULATION.

n matter of chronological precedence, the political gs of the Old Testament ought to be first ered. They are unquestionably the oldest records sess of the human family, and of the regular and atic construction of a given theory of social order islative policy. But it is necessary to premise, re are insuperable objections against subjecting itings, on account of their political importance, plete and minute analysis, at the commence- this work; and for this, among other powerful that they have for many centuries been the , by which other systems of political specu- ve been tried; and, in numberless occasions, ct incentives to the varied labours of political themselves. To commence, therefore, with a examination and development of what may aptly be termed the politics of the Bible, would be ure; inasmuch as it would be anticipating a portion of the matter of inquiry and discussion,

which constitutes the staple commodity of pol
literature, in all its multifarious aspects and bear
This line of proceeding we are compelled to renou
But, in order to give a somewhat connected view
the entire history of the literature of politics to t
who have but a partial knowledge of it, or who
never have thought of the legislative philos
of the Bible at all, we may be allowed to state,
few brief paragraphs, some of the leading featur
that form of government of which the Jewish wri
treat, and out of the principles of which many the
of private and public right and duty have taken
origin, from time to time, in the history of pol
speculation.

For the benefit of the general reader, it is nec
to make a remark or two relative to a subject wh
occupied some degree of attention, at various
among philosophers generally; namely, whether
what degree of knowledge was derived by the
Greeks from the writings of the Old Test
Various and conflicting answers have been give
question. It has been contended that from t
geographical position of the Jewish kingdom, th
necessarily have arisen a mental intercourse betw
Jews and other surrounding nations, favoura
mutual interchange of political opinions and se
The Jewish polity being a singular one of its ki
scarcely fail of exciting some degree of int
neighbouring lands, and of awakening a desire
something about its character and history. In f
is just what really did happen, but at a period
quent to the first development of Grecian p
literature. The Old Testament writings were tra

Greek, by order of one of the Kings of Egypt, about
ce hundred years before the Christian era; a circum-
nce which could not have happened unless these
ritings had enjoyed a comparatively extended reputa-
n and notoriety. We find this fully stated by several
ters. Owen, in his "Theologia," says, "There is
e who hath taught that there were amongst man-
d any written laws more ancient than the Mosaic.
ther is it confirmed by any authentic testimony
t there were any stated laws, although unwritten,
ides the dictates of reason,) constituted by the
ple for their government, before the Mosaic age.
that the frame of the Mosaic legislation should
ad itself far and wide was foretold by the spirit
od in the book of Deuteronomy. And the
ed Grotius maintains that the *Attic Laws*, from
ce in after times the Roman were derived, owe
origin to the laws of Moses. There are other
n writers who maintain the same opinion.
g the number is Mr. Milman, who, in his
ry of the Jews," remarks, that "the Hebrew
er has exercised over the destinies of mankind
extensive and permanent influence than any
ndividual in the annals of the world."
the other hand, it has been contended that this
as to the influence of the Jewish writings on
political speculation, is in a great measure
ary; and that it is one of the crotchets which
f the ancient Fathers of the Church pertinaciously
ed, with a very slender stock of historical evid-
to support it. Recent philosophical historians
given little or no countenance to this theory, either
s main principles or details.

Such is the substance of the statements on each
of the question. We shall pass no decided judgm
on it; because we cannot enter so fully into the matt
as to justify us in appearing dogmatical adjudicato
on either side. We shall therefore leave the subj
to the reader's attention, and proceed to give a v
brief outline of the Jewish system of polity, as
folded in the general books of the Old Testament.

We have little or nothing explicit in the
Testament, on the nature of the government of
human family before the flood. The book of Gen
is merely introductory to the Mosaic legislation. A
the deluge the family of Noah are represented as
taining and acting upon some of the primary princi
of civil society. Subsequently, the Jewish gov
ment assumes various aspects. In the days of Abr
Isaac and Jacob, there seems to have been a s
parental mode of management which continu
some time. These Patriarchs were powerful, a
certain point of view, despotic princes. They
allegiance to no sovereign power whatever.
maintained an armed body of servants and depe
and force was repelled by force. They wer
priests to their vassals or followers; and fix
regulated the religious festivals, and prescrib
offerings at the altar. This was the kind o
polity carried out by the twelve sons of Jacob.

To this Chaldean generation certain great
were committed by the Deity, to act as landma
the understandings of men in reference to politi
well as other matters of weighty moment.
truths were considered in the light of a sacred
for the use of all mankind to the end of time.

were to preserve the knowledge of the Creator throughout succeeding ages; and all civil institutions were to have an especial reference to their nature and character. A strict and faithful observance of these axioms or principles of polity was promised to be productive of happiness and prosperity to every nation that recognised and acted upon them; and that a neglect or contempt of them was to be inevitably followed by dire calamities and punishments.

Under the government of Moses the Jewish nation was a theocracy; it was founded and regulated by the express command of the Almighty himself, through the instrumentality of his appointed and special lawgiver. A brief summary of the moral, political, and religious duties was promulgated from Mount Sinai, with circumstances of impressive grandeur and sublimity. These two Tables of Commandments constitute the [illegible]ental laws of every form of human government. [illegible]imary maxims which were to guide the chief [illegible] and to enforce the obedience of the people to [illegible]ces and judgments, were fully developed. The [illegible]ude were called upon to adopt and observe this [illegible] compact by an oath of allegiance; and these [illegible]les were to be preserved as a perpetual memorial [illegible]is mutual obligation—to constitute, in fact, the [illegible]*a Charta* of their privileges and duties as citizens [illegible]e State.

[illegible]is system of polity appeared peculiar to all surrounding nations. They could neither comprehend [illegible]ppreciate it. Idolatry was the sole religion of [illegible]ass of mankind. The Hebrews were commanded, however, to govern themselves solely by their own [illegible] and institutions; and to avoid contact and con-

tamination with all surrounding nations. This separation from paganism was considered as essential for the accomplishment of the great object for which their civil polity was revealed.

The laws of the Commonwealth embraced matters of great importance. The appointment of magistrates; the setting aside of a learned class of the people, as princes of tribes, heads of houses, and genealogists; the rules for the government of the tribes amongst themselves; and the constitution of Legislative Assemblies; were some of the chief characteristics of their peculiar system of political philosophy.

The Legislative Assemblies were convened by the chief magistrate of the commonwealth, by the commander of the army, or the regent; and when there were any vacancies in these offices, the high-priest performed the public duty. The Assembly general met before the door of the Holy Tabernacle, a presented the Palace of the Invisible King. Assemblies were of two kinds; the one compo princes of tribes, or the heads of thousands, ciated families; the other, the entire congre embracing the genealogists, the judges, and as of the commonalty as chose to attend.

From the death of Moses till the establishmen the monarchy, there was little constitutional alter in the Jewish polity. But whatever innovations been made, either for good or ill, were in thei spective consequences, exactly in accordance wit predictions and declarations of Moses. The found of the monarchy took place, agreeably to our co chronology, about the year B.C. 1100. There certain regulations and limitations of the royal

rogative, of great importance, and which were laid down in the Old Testament, with great earnestness, simplicity, and force of language.

The other important epochs of the Jewish history are pretty well known to most readers. They include the monarchical period from the first king, to the revolt of the twelve tribes; from the revolt of the twelve tribes, to the Babylonian captivity; the return of the Hebrews to Palestine to the days of Alexander; and from this period till the partition of the empire under Antiochus Epiphanes; and from thence to the appearance of our Saviour.

A great deal of matter, of the highest interest, might here be brought forward, relative to the several general or fundamental maxims of Jewish polity touching the laws of property, the nature of civil and penal legisla- nd those maxims of justice and expediency, on the rights and liberties of the great mass of the rested. These several topics, for reasons already must, however, be passed over at the present t. We shall barely remark in conclusion, that itical literature of the Old Testament contains of such a character as to be recognisable by the nest capacity, as well as by minds of the most prehensive and profound cast. These truths are a great river, small and narrow at its source, but ually widening and deepening as it proceeds to cean; while in its progress it spreads life and en- nt to the surrounding districts. Nothing can re expressive of the innate value of these truths o witness the most highly gifted of philosophers ages, bearing their testimony to the important vital principles involved in these general political

maxims. These truths may be slighted by the superficial, sneered at by the sceptical, or neglected by the careless; but they must ever prove the only real and prolific seeds of genuine progress, and human happiness.*

We shall make a few remarks on the history of the Jewish Code as a written production, and as an instrument of education in the Jewish schools and seminaries. The *Corpus Juris Judaici*, like many other codes of laws in European countries, is composed of two parts: the "Unwritten," or "Oral," or "*Common Law;*" and the "Written," or "Statute Law." There is this difference between the Jewish Code, and several other modern systems of legal rules, that the *written* law of the Jews preceded the "oral," or "common law:" whereas, in England especially, the "written," is subsequent to the "common law." The Hebrew c
that which is contained in the Pentateuch;
according to Jurists, is divided into *six hundr*
thirteen precepts; three hundred and sixty-five c
are termed "Negative precepts," because they
that which is unjust or wrong; and the rei
two hundred and forty-eight, are "Affirmati
cepts," as they command that which is requisite t
performed.

But it was found among the Jews, as well a
every other country placed under the influence of
gressive institutions, that the general or fixed
were inadequate to meet the justice and necess
all cases between man and man; and in conseq
of this, there came to be supplemental or expla

* See Heeren, Ideen über die Politik; Michaelis Spicil. Geogr.
Shuckford's Connexion of Sacred and Profane History; Pocock's Hist
Arabia; Herbelot Bibl. Orient.; Silberschlag, Chrolagogiede
Weltgeschichte.

laws, which increased, from time to time, till they became more numerous than the original code itself. These supplemental regulations were called, "The Constitutions of the Prophets, and of the Wise-men;" "The decrees of the Synedrim;" "The Interpretations of the Doctors;" and there were also what were termed the "Constitutions of Moses," of supreme authority, because they were received from the Deity upon Mount Sinai.

During the forty years that Moses survived the promulgation of the law from Mount Sinai, he took upon himself the office of teaching the Israelitish nation how that law was to be interpreted and applied. After his death, this power was transmitted to Joshua; from Joshua to the elders who succeeded him; and from them to the prophets; and all these various "Decisions," [illegible]tions," and "Constitutions," were retained [illegible]mories of the Jewish people, and became [illegible]ith all the sacredness and power of the [illegible]l rules of law themselves. And it may be [illegible] in passing, that the English law bears a [illegible]esemblance to this; for the "common law" [illegible]tion of unwritten maxims and customs handed [illegible]posterity by "tradition, use, and experience;" [illegible]his fact is the foundation of the remark of Spelman, [illegible]*es sola memoria et usu retinebant.*"

[illegible]ing the exile of the Babylonish captivity, these [illegible]onary and legal maxims, were in a great measure [illegible]ated from the memories of the people. After [illegible]eturn to their own land, it was decreed that a [illegible] Synagogue should be called together, consisting [illegible]*hundred and twenty* of the most learned and able [illegible]of the nation, to consider of the best means of

restoring, and for the future preserving the traditions. These were, by this means, collected and methodised.

After the dissolution of this Great Synagogue, there was appointed what was called the "*Sessions of the Wise-men;*" and this institution continued to augment the number of the explanatory or supplementary laws, until the first total extinction of the Temple took place, when the spirit of prophesy ceased among the people. There was then no infallible judge to resolve legal and constitutional doubts and difficulties.

In this state of things, the people had recourse to individual judgments, from men of greater learning and talents; such as Simeon the just, Hillel, Gamaliel, and others, whose skill in the Mosaic law was both profound and accurate. In such cases their respective *decisions* were added to the common code; and by the sect of the Pharisees, whose veneration for [redacted] tions was carried to a great length, the [redacted] individual "interpretations," were most re[redacted] and strictly observed. This was the gene[redacted] the Jewish code up to the time of our [redacted] appearance.

CHAPTER II.

BRIEF REMARKS ON THE GOVERNMENTS OF THE EGYPTIAN STATES, AND ON THE LEGISLATION OF CARTHAGE.

According to the General account of historians, Menes was the first King of Egypt. His reign is supposed to have commenced about the second century [illegible]e Deluge.

[illegible]kingly office in Egypt was hereditary. Diodorus [illegible]ns that the kings of this nation ruled with great [illegible] and moderation; and were by no means so [illegible]exercise absolute power as some other eastern [illegible]nts. No slave or foreigner was admitted to [illegible]al service of the Prince; and he was obliged [illegible] conform to certain regulations imposed upon [illegible]e laws; to follow no luxurious or expensive [illegible]f living; to eat the plainest food; and only in [illegible]ntities and of such descriptions as were pre-[illegible]or him.

[illegible]re were thirty judges appointed for the adminis-[illegible] of justice, who were chosen out of the principal [illegible]n the kingdom; and who were also to be the [illegible]nowned for their political wisdom, honesty, and [illegible]anity. Certain revenues were set aside for their [illegible]port during the season of public duty; with a view

that they might not be distracted with domestic concerns, but able to give their undivided attention to such legislative measures as came before them. All matters were transacted in writing; and the president of this assembly of thirty, wore a collar of gold, on which was engraved a figure represented blind as an emblem of justice.

It is mentioned as an excellent trait in the government of Egypt, that every individual, from his youth upwards, was instructed in the nature of the laws, and induced by the strongest motives to pay them every degree of reverence.

The following were some of the principal laws of the state. Wilful murder was punished with death, whatever was the situation in life of the person deprived of life: the same punishment was awarded to p
A person bringing a false accusation against a
was liable to the same punishment that wou
been inflicted upon the accused had the cha
substantiated. One who refused or neglecte
another's life when he had the opportunity,
sidered, in the eye of the law, in the same
murderer. No man was allowed to lead an
but every one was obliged to enter his name, a
of abode, in a public register, and to state th
profession and means of support. If he mad
entry, he was immediately put to death.

To prevent the borrowing of money as m
possible, as well as the ruinous acts of usury to
it gave rise, King Asychis made the followin
No one was permitted to borrow money with
debtor pawned the body of his father, which e
Egyptian was scrupulously careful to reverence

which was kept embalmed in his house, so that it might be the more readily removed for the purpose of pecuniary indemnification. If any person should be so unfeeling as to refuse to redeem this sacred pledge, he was denied the customary rites of burial. Polygamy was allowed to all except the priests; they were allowed to marry one woman. Whether she was a slave or a free person, her offspring was deemed free and legitimate. Old age was counted very honourable. The young were obliged to rise from their seats, and give them to the aged. There was, however, one law of a very heathenish and depraved description, which sanctioned the marriage of brothers and sisters. This offensive law was enforced even under the sanction of religion, from the alleged example of their gods, Osiris [illegible]s.

[illegible] historians maintain that the Egyptians were [illegible] people of antiquity who rightly comprehended, [illegible]ed upon sound principles of politics. The [illegible]ndency of their laws was to make people [illegible] But we have already pointed out some public [illegible]es, which are evidently contrary to every [illegible] of enlightened government. The Egyptians [illegible]o represented, in the few scattered memorials [illegible]s of them, to have been eminently conspicuous [illegible] gratitude of disposition. This fact would [illegible]go far to prove that their general system of [illegible]on was not oppressive; and that the good [illegible], and conciliatory manners which characterised [illegible]portment in social life, were not repressed by [illegible] severity.

[illegible]he government of Carthage, three kinds of [illegible]ority were established; namely, the two supreme

magistrates, called *Suffetes*, the *Senate*, and the *People*. In subsequent times the tribunal of *One Hundred* was instituted, and exercised a very beneficial influence for a considerable period, on public affairs.

The Suffetes were appointed annually, and their legislative powers were nearly similar, both in nature and extent, to those of the Consuls of Rome. These Suffetes were often called Kings, Dictators, and Consuls. We have no account of their mode of election; but in all probability it was of a popular description. They had the power to call the Senate together, in which they presided; proposed subjects for discussion; and took the number of voices on a division. In cases of national emergency, the command of the armies was entrusted to them. When their office of Suffete, or chief magistracy, terminated, the
made Prætors, who were invested with the
looking after the public revenue, and othe
matters of public interest.

The exact number of members who comp
Senate is not known. The tribunal of On
was drafted out of it; so that we may safely
must have been a pretty numerous court. G
tention was paid to the qualification of a senato
was to be of advanced age, of great worldly ex
of high birth, and in wealthy circumstances.
portant matters of state came before this
such as communications from generals, reports
condition of the provinces, negociation with
sadors, and war and peace. In fact, this assem
be considered as the moving power of the
machine.

In regard to the internal regulations by whic

Senate was governed as a deliberative court, very little is known. Historians, however, mention that when the votes were unanimous on any question, the decision of the Senate was a supreme decision, from which there was no appeal. When there was a division, and the court could not be brought to an agreement, the subject of debate was regularly brought before the people, with whom the power of ultimate decision rested. This regulation has been greatly praised for its wisdom, as it operated frequently in Carthaginian history to repress dangerous factions, and to produce harmony and concord through every department of the State.

The third great estate of the kingdom—the people—exercised a considerable influence on legislative measures, but this influence was very variable. In the early [redacted] of their history the community at large paid an implicit deference to the authority of the Senate, [redacted]rew nearly the whole popular voice into that [redacted]ly; but in subsequent times, when wealth, con-[redacted]nd foreign manners, considerably affected their [redacted]of thinking, they became more bold and restless [redacted]ir deportment towards the Senate and the Suf-[redacted] and finally became a prey to the influence of [redacted] disjointed cabals and factions.

[redacted]e court of One Hundred was really composed of [redacted]undred and four persons. Aristotle maintains [redacted]were the same as the Ephori in Sparta. This [redacted] of the One Hundred, as it is generally called, [redacted] to have been instituted to curb the boundless [redacted] and rapacity of the Carthaginian generals; for [redacted]tter were compelled to submit their conduct to [redacted]udgment of this tribunal. But out of the one [redacted]ndred and four members of this assembly, five had

a particular jurisdiction, and whose powers seem to have been of a very extensive kind; they were also invested with a privilege of self-election. The most disinterested and public-spirited individuals were commonly chosen to discharge the duties of this inner court of five members, for they were not allowed to have any pecuniary compensation for their services.

Aristotle justly remarks that there were two leading defects in the Carthaginian government: namely, the investing a single person with a multiplicity of offices; and making riches a standard for eligibility to situations of public trust and honour. The first he thinks highly prejudicial to the national interests; for he argues that a man confined to one department of legislation, will execute it a great deal better than when his attention is distracted by a mulitude of projects; and respect to riches being a qualification for off thinks this tends to close the door against merit and virtue; to set up a false standard of p excellence; and to lead the people to an in love of riches. These notions prove alike dest to national greatness, and domestic happiness.

CHAPTER III.

ON THE POLITICAL LITERATURE OF GREECE.

We have now to commence with the Grecian era of political science;—an era which has exercised, on the practical affairs of governments, and on the trains of thought of speculative politicians, no little influence and authority. Before, however, proceeding to notice, their order, the political writers of the Greek school, give a general summary of the political institutions of Greece; for, unless we have some bird's eptions of the ordinary polity of this interesting we can in no degree be benefitted by any of their political systems or speculations. ust be governments of some kind before there any literary discussions on their nature or ges. In framing this summary we shall be as possible; premising, at the outset, that we oid all knotty and controverted points of nd social polity, and all matters that properly o the historical connoisseur or antiquarian. re skeleton or frame work of Grecian legis- all that can here be given; and this solely for e especial purpose of aiding the general reader's wer to grapple more successfully with both ancient d modern treatises on political science, in all ages countries.

The early history of Greece is enveloped in great obscurity. All the historians of the country flourished long after the main transactions they describe took place; and this, of course, has been a fruitful source of much of the fabulous being incorporated with the true history of public events. Sir Isaac Newton fixes the year B.C. 1080, as that in which the city of Athens was founded; and this chronological date has been generally acquiesed in by subsequent writers of critical skill and reputation.

The first settlers in Greece and its islands are supposed to have been Phœnicians, who founded Thebes in Bœotia, and established a legislative system at Minos, in Crete, which was the first system of polity instituted in the country. It was of a purely milita character, and its supreme power was lodge hands of a king or military chief, ten magistr a senate, appointed for life. There were p semblies of the people called together on affairs, but what share of real power they h government is altogether a matter of sp and uncertainty.

How long the kingly office existed in C uncertain. From the time of its ceasing, how general government seems to have undergone change; for the island was divided into a n distinct communities or cities, each of whic separate government.

It is commonly supposed that it was f government of Crete, that the Spartan legislation to its rise. The name of Lycurgus is intimately as ciated with the peculiar system of the Sparta According to Newton's chronology, this law

flourished about the year B.C. 708. His system of government has been a fertile theme of discussion from his own day to the present time. It was particularly harsh, unnatural, and repugnant to the finer and loftier feelings of our common nature. The chief object of it was to train up soldiers; and the inflexible steadiness with which this primary object was kept in view, and the means taken to carry it into effect, remain at this moment a monument of surprise and wonder to politicians of all grades of opinion and sentiment.

In order to secure a strong and athletic race of warriors, Lycurgus injoined that young men should only marry when in the full vigour and prime of life. The female was likewise brought under a severe [illegible] of domestic discipline, being obliged to engage [illegible]ne sports, and to expose her person, in order [illegible] a hardy and muscular body. The con- [illegible] feeling of bashfulness and shame was to be [illegible] from her breast; and she was daily ac- [illegible] to associate with young men, upon the same [illegible] equality as with those of her own sex. The [illegible]onial bond was held in some degree of re- [illegible], but adultery was allowed whenever there was [illegible]ts of issue, or a chance of improving the phy- [illegible]stitution by a change of family connexion. [illegible]me historians affirm that this lawgiver des- [illegible] to enact such laws relative to the union and [illegible]abitation of the two sexes, as would be altogether [illegible]olerable to mention at the present day. Young [illegible]en and women were looked upon merely in the same [illegible]ght as the lower animals.

[illegible]re was a Magistrate appointed, called the *Pæd-*

omonus, who took the boys at an early age under his care, for the purpose of training them to habits of exercise, discipline, and particularly to temperance; not so much, however, with a view of elevating their moral characters, as to secure them those bodily qualifications of patience, resignation, and indurance, so necessary for the soldier and the citizen. Cunning, adroitness, stratagem, and even thieving, were considered indispensable accomplishments in the system of youthful training. When the youth grew up to man's estate, he was still under the especial care of the authorities; who regulated his movements and fate in war, and fed him at a public board, according to fixed and regular rules. His food was a kind of broth, which has obtained a proverbial notoriety for its unsavoury character, to which was added a li portion of boiled pork. Both Kings and M sat down at the same repast with the citize respective places at the public table was a legislative rule. They were classed in com fifteen; and each company admitted persons vacancies by ballot, in which a single dissenti excluded the candidate. Gymnastic exercises a large portion of the time of the people, w actually engaged in war or the chase.

The people were divided into six tribes, tribe into five sub-divisions. A regiment was furnished by each tribe. Then there were among the people, the same as in India and Egy so that families were doomed to the same station occupation, from one generation to another. To entitled to the full rights of citizenship, both the fath and mother of a man must have been free S

for three generations. There were citizens of a Patrician order, who had exclusive privileges.

The two Kings were selected one from each of the royal families. It is supposed they were elective by the mass of the people. There was a Senate, composed of twenty-eight persons, who held their offices for life. They were required to be sixty years of age, of unblemished reputation, and had to stand as candidates for the situation. The powers of the Senate were extensive. The Kings had the command of the army.

General assemblies of the people might be called either by the authority of the Kings or the Senate, or both. These assemblies were attended by all the free or free-born citizens of thirty years old, and were held monthly, or whenever any extraordinary occasion [illegible] their presence. The members of the assembly [illegible]ght to originate any public measure, nor [illegible] for the magistrates alone, or those whom [illegible]e Senate permitted, had the privilege of [illegible]; the assembly only having the right of ac- or rejection.

[illegible]whole of the land of Sparta was divided into [illegible]lotments; 9000 for the Spartans themselves; [illegible]000 for the Country people; each allotment [illegible]culated to support a family; and no one was [illegible]ither to sell, exchange, or devise his lot so as [illegible]e his heir of the succession. The use of gold [illegible]er, as money, was forbidden; only pennies of [illegible]pound in weight, were allowed as a medium of [illegible]change. No ornaments or luxuries of any kind were [illegible]ermitted. Neighbours could interfere with and correct each other's children; and even use each other's [illegible]dogs, arms, and furniture. The most revolting

feature in the Spartan legislation, was the immense number of slaves kept in the country, and the cold-blooded and systematic cruelty exercised towards them. These slaves consisted of three distinct classes; the common household Slaves, the Helots, and the Messenians, a conquered people.

This constitution of Lycurgus, though one of the most strange and grotesque follies of legislation in the annals of the human family, lasted for the space of one hundred and twenty-five years. It then underwent a somewhat radical change, chiefly by the introduction of a body of magistrates called *Ephori*, the origin and nature of whose public functions have given rise to much controversy. It appears, however, unquestionable, that these Ephori engrossed great political influence in the state. They had the same right [illegible] the Kings and the Senate to convoke the [illegible] semblies of the people; and they had lik[illegible] important duty intrusted to them of rem[illegible] punishing magistrates for malversation in [illegible] for oppressing or illtreating the people. Th[illegible] assumed the power of putting the Kings the[illegible] upon their trial. Each King took an oath [illegible] that he would rule according to the laws, [illegible] Ephori, and on the part of the people likewi[illegible] that his authority should be only supported, s[illegible] he kept his oath. Here was a formal compac[illegible] into between the sovereign power and the mass [illegible] community.

There are more authentic documents for the histo[illegible] of the government of Athens, than for Sparta. Wha[illegible] were the precise form and spirit of the Grecian legisl[illegible] tion, in its early manifestations, is only a ma[illegible]

conjecture. The general opinion seems to be that it was of a decidedly popular or democratic character, encumbered, however, with many checks of an arbitrary and stringent cast. One Cecrops is represented to have been the first lawgiver who collected the people into twelve tribes or towns, of which Athens was the most considerable. Then we have after Cecrops, Theseus, who flourished, about the year one thousand before the christian era. The other chiefs or kings who succeeded Theseus, are represented in the very questionable accounts we have of them, as having curtailed the liberties of the people to a great extent, and moulded the general government more into the monarchial fashion. About one hundred and fifty years afterwards, Cadrus governed the country, who, it is said, weakened [illegible]narchial, and increased the democratic principle.

[illegible] year B.C. 600, the office of ARCHON, which [illegible]a conspicuous place in the history of the [illegible]overnments, was instituted. It was an office [illegible]presented a king or chief magistrate. It was [illegible]y held for life, but it was changed for ten [illegible]nd ultimately it became annual. When the [illegible] was chosen for life, the senate and the people [illegible] interfered with his decisions; but when the [illegible]ame decennial, and then annual, the popular [illegible]s more frequently brought to bear upon and [illegible]. When the Archon was chosen yearly, there [illegible]e persons appointed to the office, but one was [illegible]be the chief. These enjoyed collectively the [illegible]al power and influence of the government. But [illegible] here appears to have been great confusion introduced [illegible]nto public affairs by this mode of government; and [illegible]mmunity called upon Draco, a man of ability,

but of a harsh and sanguinary disposition, to frame a system of laws for the people, which he did; but they proved of such a bloodthirsty kind, that his code has even descended down to our own day, as an object of reproachful and bitter accusation.

To remove this new grievance, Solon, a wise and temperate lawgiver, was called upon to give his aid and support. He introduced many beneficial reforms into the management of public affairs. He flourished about B.C., 550. The ancient magisterial system was maintained, but it gradually became, in all its essential features, more popular and democratic. Offices of all kinds became under the direct authority and cognizance of the people. An assembly called the *Areopagus*, which had been established before this time, was greatly improved by the wise regulations of Sol
The members of this court were chosen for
powers were censorial; punishing by censur
posure, and likewise by penalties, all violatio
rules of morality, and all infractions of the l
customs of the country. This institution und
however, many constitutional changes from th
of its establishment, to its final dissolution.

The election for Archons was vested in the p
and by a law of Aristides, every citizen was
of being chosen. But every person appoin
obliged to undergo two scrutinies; one bc
Senate, and the other before the tribunal of the
Candidates must show that they were descen
Athenian parents for three generations, that they ha
borne arms in the service of the State, and that their
domestic character was free from reproach. At the
end of the year, the Archons were eligible t

Areopagus upon passing their accounts, and submitting to a new scrutiny as to their official conduct.

There were three divisions of the people;—natives, foreigners, and slaves. It is said, that the slaves far outnumbered the other two classes. The entire body of the nation was divided into ten tribes; and there was another division of them into three parts. Each division and sub-division had a public officer at its head. In Solon's time, he made a division of the people according to their incomes; those that had five hundred, three hundred, and two hundred bushels of grain. No citizen below these respective standards of wealth could fill any political office. Aristides, abolished this law, and made every person eligible to public trust and confidence.

The assembly, called *Ecclesia*, exercised all legislative ministrative power. Peace and war, alliances, ure, taxes, legislation, and the appointment ior magistrates, were all intrusted to the same This assembly met every nine days, and oftener national emergency required their services. President was always a member of the Senate, ne person who took the initiative in all public ness. No resolution of the assembly could be on any measure, unless the Senate had previ- sanctioned it by a vote. From time to time, r, great alterations were made in the relative of the two bodies towards each other.

Senate, in Solon's time, was composed of four hundred members; it was afterwards raised to five hundred, and they were chosen by lot from all the tribes. Each tribe returned fifty, and likewise another fifty more as substitutes, in case of death, illness,

or disqualification. A member when returned had to undergo a scrutiny as to his life and character, and he was liable to be impeached for anything tending to disqualify him for the office. When chosen, the entire five hundred were divided into sections of fifty each; and some authors maintain that each section again underwent another subdivision into tens. The pay of a Senator was about eightpence per day of our money. Originally the votes of the Assembly were taken by the holding up of hands; but afterwards by the bean or ballot.

To keep popular influence within some rational bounds, there were several political checks or counterpoises invented at various periods of the Grecian legislation. One of these checks was the appointment of public orators. There were ten chosen in [illegible] times by lot, who had to debate the cause [illegible] people, both in the Senate and the Assembl[illegible] were paid for their services each time they [illegible] for the Assembly fourpence a day, for the [illegible] eightpence, and the same for the Areopagus. [illegible] a man was appointed to be an orator, he was subj[illegible] to a rigid examination as to his character. Any [illegible] of immorality, any political offence, or misbehav[illegible] in time of war, excluded a person from the [illegible] He was likewise required to be a native, b[illegible] Athenian parents, to have one or more leg[illegible] children, and to have some landed property in [illegible] The same character and qualification elicited [illegible] inquiry, were required by all other persons who wish[illegible] to address the Assembly, as well as the public orato[illegible]; and if a man attempted to conceal any part of his former life from the court of scrutiny, he was liab[illegible]

to punishment, as well as being disqualified from acting in future.

There were many stringent rules respecting all alterations of the laws. This operated powerfully in repressing the desire of the people for sudden changes in the government. The three first Assemblies each year were devoted to the consideration of new laws; but the two first of the three could only consider of such as were not repugnant to any law already existing. No proposal of a repeal, or other law inconsistent with the old was then received, but it was rigorously exacted that no such law should be propounded without a previous repeal of the old. When the proposition was made, a number of persons, some say fifty, were [illegible]inted, called *Nemothetes*, or law makers, not by [illegible]by selection, to digest and reduce the said [illegible]n to writing. When reduced to the regular [illegible]t was laid before the *Prytanes*, who were [illegible] to make it public, by affixing it to a portico [illegible]quented part of the city, called the *Statues of* [illegible]*eroes*. The instrument was thus required to be [illegible]rded daily until the assembly met for its discus-

Another class of Nemothetes, amounting it is [illegible] to the number of five hundred, then examined it, [illegible]l as the Senate itself. When all this was done, [illegible]ersons were appointed whose duty it was to [illegible] the old law, and to use all legitimate argument [illegible] the introduction of the new measure.

[illegible]des these numerous and complicated precautions, [illegible]here was a fixed decree making it criminal to bring forward any legislative rule which ran counter to the existing law. This was a powerful check upon hasty [illegible]d crude law making. A person who suggested the

repeal of an old law, was bound to substitute a better in its place; and if the innovation did not turn out for the real benefit of the public, he was liable within a year to have a prosecution instituted against him, even if his new law had been ratified by both the people and the Senate.

It was likewise a rule in Grecian legislation, rigorously adhered to, that no law could be enacted to affect any one person without affecting equally the whole people, unless *six thousand* persons were present, to give it their sanction. When a new law was made it was usual to add a perpetual prohibition of any repeal or alteration. Meetings of the Assembly might be adjourned upon the appearance of any omen to authorise such a step.

After many vicissitudes and eventful circu
Sparta overthrew the popular government of
and an oligarchy, called the *Thirty Tyran*
instituted in its stead. This odious faction per
great cruelty, having, in the short space o
months, put *fifteen hundred* citizens to death. I
at length overthrown, and a democratic constit
substituted in its place, whose factions and cl
governed the country by systems of tumult and
trigue. And this state of things substantiall
mained until Greece became a part of the R
Empire.

It cannot but be an interesting question,
general readers of political science, what was th
of that branch of knowledge among the Grecian people
which we denominate by the terms, *political economy?*
It unfortunately happens that the materials for a full
and satisfactory answer to this interesting questi

are very scanty; and all that can be said on the subject, will be found, to be very imperfectly calculated either to satisfy our curiosity, or to enlarge the boundaries of our knowledge.

There are some particular views which the ancient Greeks entertained, often alluded to by modern political writers, on the nature and influence of national riches, which it is necessary we should here briefly advert to, before we make a few remarks on the various topics which are commonly arranged under the head of political economy.

The industry arising from the exercise of commerce, and the mechanical arts, was not held in such high esteem among the ancient Greeks as among the modern [illegible] of Europe at the present day. This arose [illegible]ral causes. But the most powerful was the [illegible] slavery which prevailed among the Greeks. [illegible]ehold duties were committed to the manage- [illegible] menial servants; and the mechanical trades, [illegible]king of the mines, the management of the [illegible] gallies, the carrying on of manufacturing es- [illegible]hments, including even the early education of [illegible]ren, were entirely supported by the labour of [illegible]s. It was no uncommon branch of business to [illegible] slaves, and let them out for hire to perform [illegible] things; and the riches of the leading people in [illegible]es were estimated by the number of bondsmen [illegible] possessed. The consequence of this was that [illegible]were very few trades left to be followed by free [illegible]s; and the public mind became deeply tainted with the notion, that all industry and trade were degrading and mean. "In well regulated states," says [illegible]ristotle, "the lower order of mechanics are not

admitted to the rights of citizenship." In some cities, however, trading people and mechanics were held in more repute; for we find that during the democracy in Athens they were eligible to fill the offices of citizens and magistrates. At Thebes, there was a law that no one who had been engaged in retail trades within the space of ten years, could be elected as a magistrate. The consequence of all these regulations was, that they tended to check private enterprize, and seriously diminish the amount of national wealth.

Agriculture was held in high repute among the Greeks. In those districts where the cultivation of the ground formed the principle occupation of the people, almost all other trades were held in contempt. "The best nation," says Aristotle, "is a na... agriculturists."

The same philosopher ridicules the idea tha... is to be accounted happy and prosperous in p... to the quantity of gold or silver it may poss... says "many suppose wealth to consist in ab... of coined money, because it is the object of usu... commerce. Money is of itself without value... gains its utility only by the law; when it ceases ... current it loses its value, and cannot be employ... the acquisition of necessaries; and, therefore, on... is rich in money may yet be destitute of the n... subsistence. But it is ridiculous to say that ... consists in anything of which a man may be pos... and yet die of hunger; as the fable relates of ... at whose touch every thing became gold."

With respect to laws immediately affecting the trade and commerce of Greece, little is known beyond mere conjecture. The general opinion on this subje...

seems to be, that restrictive prohibitions were not numerous nor extensive in their influence. They appeared to have been enacted always for some pressing emergency, and not from any settled principle of national economy or legislation. There were no prohibitions to export the raw produce, nor any bounties given to one class of the community to gain an advantage over another. Perfect freedom in industry and commerce seems to have been the general rule; and where exceptions are to be found, they may be attributed to merely local or incidental circumstances.

The important privilege of coining money, was vested in the hands of the State. Gold and silver were the standard medium; and the ancient coins of these metals, now in existence, appear to have very little [illegible]n. But the Greeks had also a local money [illegible]s. "Most of the cities," says Xenophon, [illegible]ney which is not current except in their own [illegible] Leuce merchants are obliged to barter their [illegible]s for other wares. Athens makes a solitary [illegible]n. It was, therefore, quite common for cities [illegible] two kinds of money, coins of nominal value, [illegible]t only in the city which struck them, and [illegible]ic money, of which the value depended on its [illegible]e worth, and which circulated in other places." [illegible]e no knowledge, however, how this artificial [illegible] regulated the circulation of the precious metals, [illegible]ner there were any legal enactments on the

[illegible]s difficult to determine, with any degree of accuracy, what was the extent of the national wants in the several states of Greece. These wants varied at different times and places. In Sparta for a long period,

public burdens, in the shape of taxes, seem to have been unknown; and honour was the only commodity which rewarded the labours of public men. Soldiers were citizens; and as every thing connected with their equipment and maintainance, was regulated with the greatest simplicity, there were none of those expensive public institutions, for the effective control of warlike resources, which are now general in modern nations.

But Sparta is not to be considered as a fair criterion of the situation of the other states of Greece. Many of the latter felt the heavy burden of taxation, even in their most splendid and prosperous days. There were four items in the expenses of the Grecian nation, which made the exactions of the government oppressive. These were its public monuments, its festivals, its army, and its navy. The two first, [illegible] monuments and festivals, were intimately bl[illegible] the religion and character of the people; a[illegible] respect they both became politically importan[illegible] city had its gods or guardian deities, and the[illegible] be preserved, in sculptoral marble, under the[illegible] appropriate temples. Holidays were also indisp[illegible] to the Greeks, and consisted of processions, musi[illegible] public exhibitions of various kinds. The o[illegible] respect paid to these tutelar deities, and the sp[illegible] of the public processions, were considered as in[illegible] connected with the happiness and honour of th[illegible] The spirit of rivalship entered largely also i[illegible] national displays; and one state vied with an[illegible] their devotion to the gods, and the costly magnifi[illegible] of their religious festivals. Thus the idea of promotin[illegible] the general good, opened a boundless field for individual expence.

But the principal burdens of the Grecian states arose out of their army and navy. They had no standing military or naval force; and when war broke out, every thing had to be raised on the shortest notice, and at the greatest expense. Historians mention that this source of expenditure was not so great, while the nation continued to depend, for defence, on their malitia forces; but when they began to hire mercenary troops, the burdens of the state became fearfully increased.

With respect to the means of imposing taxes to meet the public exigencies, no very exact or minute account can be given. Athens is the only state of which anything is known on this subject. Aristotle observes that "The third kind of administration is that of [illegible] them the principal source of revenue is [illegible]duce of their own soil; the second from [illegible] and the markets; and the third from the [illegible]ns paid by the citizens in turn." We may [illegible]rom this quotation that direct and indirect [illegible]were known and practised among the Greeks. [illegible]t mentioned impost must have partaken of the [illegible] of a property tax, and the second on articles of [illegible]nption.

[illegible] on land and houses formed a considerable part [illegible]ect imposts of the Grecian states. "In some [illegible]ys Aristotle, "the common expenses of the [illegible]tion are paid from the revenue derived from [illegible]urs and duties; while the taxes on land and [illegible]s were regularly *assessed*, but they were only [illegible]lected when extraordinary supplies were required." Resident foreigners paid a tax in most of the cities [illegible]reece for protection; and this tax sometimes par-

[illegible]n

took of the nature of a poll-tax, and sometimes a tax on their property.

The mode of collecting the imposts on articles of consumption was by levying the duty at the seaports and harbours. Demosthenes says, that these custom-house duties formed the chief sources of revenue in Thessaly. Thucydides informs us, that, "when the Athenians became masters of the Ægean sea, they appropriated to themselves, in all the islands subject to them, the collection of the custom duties, instead of tribute which had been before exacted."

Articles which were considered luxuries were especially taxed. At Ephesus a tax was imposed for wearing gold on the clothes, and in Lycia for using false hair. Aristotle mentions that in particular cities on extraordinary occasions, there was a s[illegible] estates, the rights of citizenship, besid[illegible] several professions and employments, such [illegible] and quacks, as well as on those monopolies [illegible] state itself possessed.

The national imposts were in many case[illegible] out to individuals. At Athens this was gene[illegible] it was partially followed at Byzantium, Macc[illegible] and other places.

By whom were the taxes imposed? Little i[illegible] on this subject. Duties of a permanent d[illegible] were fixed by what were called ancient l[illegible] these laws were essentially under the cont[illegible] people. From the speeches of Demosthenes, [illegible] appear that all taxes at Athens were confirm[illegible] popular sanction.

We have now endeavoured to give a brief summar[illegible] or abstract of the celebrated laws and political

stitutions of Greece. A general knowledge of them is indispensible to a due appreciation of the social and legislative speculations of this ancient and scientific people. The ground we have cursorily gone over will greatly aid our future progress, in tracing out the various opinions and theories more recent politicians have propounded, on the nature of the social contract, and the foundations of legal science; and, also, in enabling us to recognise, with some degree of accuracy, the sources from whence many of the individual parts or elements of such opinions and theories have proceeded. As we descend down the stream of time, we shall find continual references made, by all classes of writers, to the political sentiments of the people of Greece, and to these civil institutions they so enly cherished, for the support and honour of y. It is hoped, therefore, that what has in the preceeding pages will aid the eader in forming to himself a tolerably imate of the entire scheme of Greek polity, and developed in this early seat of human ion, refinement, and philosophy.

shall endeavour to shape our remarks in this r in conformity with the general course of gy; but even on this point, some deviation ifest itself, partly from the scattered and ature of the materials with which we have nd partly from a desire to impart to our ome degree of method and connection.

hose politicians who flourished in the first era of henian greatness, are but few in number, and the istory of their speculations little known. Thales d somewhere about the year B.C. 650. Diogenes

Laertius tells us, he was a profound and influential political philosopher. He is one of the *Seven Sages* of Greece. We are in possession of no written work from his pen; but there can be little doubt but that he was one of the most distinguished political authors and thinkers of his age. Anaximander of Miletus followed him in the career of philosophy, and probably adopted his general views on the abstract nature of political science. Diogenes of Appolonia was an eminent man in his day; and from a fragment of his work *On Nature*, we may augur that the social relations of man had not escaped his keen and profound observation. Heraclitus of Ephesus was a politician of great note; so much so, indeed, that some historians affirm, that his entire writings were constituted solely of di
sertations and essays on the science of g
He places the validity of all legal enactme
basis of the *universal reason*. He maintains
that "a people ought to fight for their l
their walls." "All human laws," says
supported on the Divine law; for its power is
its will, and it is all-sufficient, and all-perv
Anaximander of Miletus was a disciple of Thale
adopted his political views. Anaxagoras of Clazo
was an active political controversionalist, who
Athens, and was a great friend of Pericles.
right and obligation were discussed by
Physicus, who was led, however, to consid
duties of men to the state from a material an
point of view.

Social and political speculations formed a part of
Pythagorean philosophy. Pythagoras, B.C. 570, th

* Diog. Leart. L. 9, 15.

founder of the sect, was a native of Samos. His history is wrapped in great obscurity. He cultivated politics with much ardour; and his political *maxims* have been highly extolled by antiquity.* His opinions on matters of government gave great offence to his countrymen, and he was obliged to take refuge in a foreign land in consequence. He maintained the necessity and importance of an aristocracy; and this tenet is supposed to have excited the wrath of the democratic party against him. This philosopher does not seem to have embodied his views in a regular theory, but to have looked upon the entire science of social polity as based upon practical and every day observations and conclusions. Being of retiring and [illegible]ctic habits, he was inimical to all legislative measures [illegible]ouraged luxury and refinement. He in-[illegible]wever, on the vital importance of education, [illegible]ment of national improvement.

[illegible] Eleatic school of philosophy, Xenophenes of [illegible]id to have paid some degree of attention to [illegible]ciples of legislation. But Permenides of Elea [illegible]sidered, however, as the chief politician among [illegible] sect of speculators. He was looked upon as a [illegible] profound and original thinker on the abstract [illegible]s of governments. He is stated to have penned [illegible]e code of laws for his fellow citizens, which was [illegible] an high order of excellence, as to induce his [illegible]men to yearly renew an oath to abide for ever [illegible] laws of Permenides. Zeno of Elea was a zealous and able disciple of his, and is believed to have written several works in defence of his master's system. Empedocles of Agrigentum, and Melissus of Samos,

* Varro. app. August. de ordine, 2, 54.

were likewise politicians of some note belonging to this speculative sect.

The political opinions of the Stoical school of philosophy are founded on the common sense, feelings, and sentiments of mankind. This is the basis of all legislative, and social power and authority. Thus our happiness consists in the pursuit of wisdom; and this wisdom is centered on the principles of our common nature, and its object is to purify, and exalt it. A regularity and steadiness are imparted to all modes of legislation known and practised among men, by the powerful and uniform operation of the instinctive faculties of their nature. Political justice and right rest upon following the intentions of nature, by a rigorous and accurate mode of testing her decisio and conclusions. Self-love, and self-preser the active and living elements of all s federacies.

But though observation is the foundation o wisdom, we must avoid the erroneous conclus all state obligation and duty, are merely conve Justice and law have a necessary and perm character. Man is a political animal; it is his d if required, to sacrifice himself for the good of country and the common interests of mankind. human and Divine things it is proper to obey th because they have a natural foundation in th stitution of things.

A rational or wise man will attach himself to society; but, in other cases, he will decline to tak part in political affairs and controversies, and lead a separate and retired life.*

* Cicero, De Fin: 3. 30.

In public life it is the duty of citizens to check the progress of vice, and strengthen the hands of virtue. But the administration of public men should be characterised by the most rigorous and inflexible rules. A legislator ought never to give way to compassion, indulgence, or forgiveness; not even to any idea of equity in opposition to the strict requirements of law. This portion of the political and legislative theory of the Stoics is both absurd, and full of danger to any community which adopts it.

Among these philosophers who went under the denomination of the *Latter Stoics*, the doctrines relative to political speculation, maintained by their predecessors, were considerably modified. Orcesilaus, considered governments as institutions, which must be subject to [illegible]e variations, from external circumstances, and an exceptional and contingent character. [illegible]was another philosopher of this sect, and is [illegible]r his *Oration* against justice. He considered [illegible]not as a natural or fixed principle of human [illegible]but as solely springing from the civil institutions [illegible]. He argues that if justice were natural to man, [illegible]lea of it would be identical everywhere; whereas, [illegible]e contrary, we find that justice is differently de[illegible]n different countries and states, and when viewed [illegible]n the glass of history, has assumed very variable [illegible]onsistent aspects. Justice cannot, therefore, be [illegible], for virtue is the same in all places and ages. [illegible]ften the height of imprudence for nations as well as individuals to follow the dictates of justice. No one would desire to be thought just, where the very act of justice he would perform would infallibly entail upon him the imputation of injustice.

Every man, by the decree of his nature, is left to make his choice between three things; namely, either to commit injustice, but not to suffer it, or both to commit and suffer it, or, lastly, neither to submit to it himself, nor inflict it on others. But inasmuch as an individual is weak and helpless in himself, and not able for the first, and the second involves greater misery, the third alternative is chosen; and hereby it is, that men consent to submit themselves to laws, for the mere sake of the aid and protection they yield them.

Cicero, in the third book of *De Legibus*, remarks, that, in general, the sects of the Stoics were not, with the exception of Diogenes, and Panætius, distinguished for their skill in the theory of politics; but still that "they were not so deficient in their speculative [illegible] tations respecting politics and laws, as they [illegible] practical application of them to the serv[illegible] people."

The Epicurean philosophers speculated to som[illegible] on the principles of legislation. The Ethics of E[illegible] himself, the founder of the school, in which his [illegible] of the nature and offices of governments are embo[illegible] have been the subject of much controversy. By [illegible] nay, perhaps, a decided majority, of his criti[illegible] commentators, they have been considered as l[illegible] of an universal tendency; and by others as rat[illegible] principle, and harmless and defensible in practic[illegible] supreme good, Epicurus affirms, of every [illegible] system of polity, rests upon the capability of promoting happiness, or a happy life. Men, like other animals, are invariably and instinctively impelled to the pursuits and enjoyments of pleasure, and the avoidance of

pain. Happiness is the professed aim of all human endeavours and institutions. Laws are instituted for the sake of the wise and rational part of mankind, not that they may do, but that they may not inflict injury on each other. The foundation of all law and right is a compact for securing mutual advantages and pleasures; where there is no real or implied compact, there can be neither law nor justice. But Epicurus does not deny the existence of abstract ideas of natural justice and equity, but he thinks these consist in reference to those things or matters which are fitted to promote our interests, and augment the number and intensity of our real pleasures, and must be variously modified plans by which the public good can be promoted and secured. When a law is once established reasonable wise, men will yield it a hearty and willing obedience. y may be induced to act in opposition to these of natural justice and right, since injustice itself evil; but they are prevented from pursuing ourse, by the dread of punishment, since they er be in a position where detection is not . Thus the good citizen, not living under the nt dread of the law, is protected by it, and is in a great degree, from the violence and injustice ellow man.*

pompos was a philosopher of Chios, and, ac- to Athenæus and Dionysius of Halicarnassus, political work called *Thamasia*. There is only ragment of this extant. The entire book had been f the fanciful and Utopian character; for what now emains of it, is a dialogue between Midas, King of hrygia, and the demy-god Silenus, in which the

* Epic; ap. Diog: Leart: 10. 150.

latter informs the former, that in a distant land, far beyond the great ocean, lying to the westward of the Pillars of Hercules, there was an extensive country, —inhabited by a race of men of gigantic stature, and of inferior animals of all kinds, of corresponding dimensions. There were many populous cities and towns in this country, and all the civil and social institutions of the people were of a peculiar kind. One of these cities was called Eusebius, or Holy City, and its inhabitants lived to double the age of ordinary men. The country around this city for a great distance was cultivated like a garden, and the inhabitants lived without labour upon the spontaneous fruits of the ear. War and strife were entirely unknown to them, and sickness never heard of. They presented such a picture of peacefulness and innocence, that the gods condescended to mix in familiar intercourse with them, as the Olympian Deities did with the Arcadians in the age of gold.

Hippodamus is mentioned by Aristotle, in the second book of his Politics, as a politician of considerable fame and distinction, and who wrote a book on the best form of government. According to Aristotle, his notion of a model republic were these. There were to be ten thousand men, divided into three classes; soldiers, artificers, and husbandmen. The territory is divided into three portions likewise; the sacred, set apart for the exigencies of public worship; the common, for the soldiers; and the private, for the use of the husbandmen. His laws were divided into three parts, to correspond with his three species of injuries; insults, damages and death. There was a court of appeal of select Senators. There was also a law to recompense

those who conferred great benefits on the community by improvements in its civil and political constitution. Magistrates were all to be elected by the free and unfettered suffrages of the people; that is by the three classes of citizens already enumerated.

In a fragment, reported by Stobæus, the ideas of this Grecian thinker on the nature of a mixed form of government are thus related. "The laws will produce a durable empire, if the state is of a character mixed, and composed of all other political constitutions;—I mean of all those conformable to the natural order of things. Tyranny, for instance, is of no utility to States, no more than oligarchy. What, therefore, we should lay down as the first foundation is, royalty, and in the second place, aristocracy. Royalty, in fact, [illegible]ort of imitation of divine providence; but it is [illegible]t for human weakness to maintain it in this [illegible] it is apt to degenerate through luxury. [illegible]We, therefore, should not adopt it [illegible] but receive it in that degree of [illegible]which is most serviceable to the [illegible]ess importance to establish aris-[illegible], because the existence of many great men [illegible] from it; an emulous ambition among themselves, [illegible]requent substitution of power. The presence of [illegible]acy is also necessary; the citizen who forms an [illegible]tion of the entire state has a right to his [illegible]honours; but this should be vouchsafed in [illegible] for the multitude is always assuming and [illegible]*

[illegible]otus, the earliest of profane historians, we [illegible] intimations of what were his own opinions

* Stobæus, p. 251.

on important questions of civil government. He evinces a decided predilection for the monarchical form of legislation, as it prevailed in many of the eastern nations. In the speech which he puts into the mouth of Darius, we find the following sentiments on this point. "I think nothing can be imagined better, or more perfect, than the government of a single person. When one only commands, it is difficult for his enemies to penetrate and discover his secret interprises. If the sovereign power be lodged in the hands of many, it is next to impossible but that the deliberations must be discovered, and that enmity and ill-will prevail. Each one is jealous of his own opinion; ambition and rivalry promote discord; and hatred transports them into the most violent antipathies. Hence arise seditions, murder, and ca which insensibly lead again to the ancient gov of a monarch. And it is thus that authority almost always returns int single person. In a popular go possible but that there must be wickedness. It is true, that itself engender hatred, but it foments and ma union among the wicked, who support one a until one among them obtains consideration su to conciliate the people, and in the end he do over the multitude; thus he becomes truly and often even a despot. We are then c acknowledge that a monarchy is the most of government, since sedition in an arist corruption in a democratic form, equally t the sovereign power and denomination in o

* Heredot: Thalia.

The Greek sophists, as a philosophical sect, were distinguished politicians, but we have little or nothing remaining of their written theories or dissertations. Modern historians and critics differ much as to the motives, labours, and influence of the sophists; some conceiving them entitled to great praise as useful and zealous teachers of the people in public matters, and others considering them as a set of low and crotchetty demagogues and fanatics, whose great aim was not to disseminate truth, but to delude and bewilder the minds of their hearers.

Mr. Grote, in the eighth volume of his "History of Greece," has the following among many other observations on the Sophists. "The paid teachers under the name of Sophists, were Protagoras of Abdera, Gorgias of Leontini, Polus of Agrigentum, Hippias of Elis, Prodicus of Keos, Trasymachus of Chalcedon, Enthydemus and Dionysodorus of Chios—to whom Xenophon adds, Antiphon of Athens. These men—whom modern writers set down as the Sophists, and denounce as the moral pestilence of the age—were not distinguished in any marked or generic way from their predecessors. Their vocation was to train up youth for the duties, the pursuits, and the successes of active life, both private and public. Others had done this before; but these teachers brought to the task a large range of knowledge, with greater multiplicity of scientific and other topics—not only more impressive powers of composition and speech, serving as a personal example to the pupil; but also as a comprehension of the elements of good speaking, so as to be able to give him precepts conducive to that accomplishment—a considerable treasure of accumulated thought on moral and

political subjects, calculated to make their conversation very instructive, and discourse ready prepared on general heads, or *common places*, for the pupil to learn by heart. But this, though a very important extension, was nothing more than an extension, differing merely in degree from that which Damon and others had done before them. It arose from the increased demand, which had grown up among the Athenian youth, for a larger measure of education and other accomplishments —from an elevation in the standard of what was required from every man who aspired to occupy a place in the eyes of his fellow-citizens. Protagoras, Gorgias and the rest, supplied this demand with an ability and success unknown before their time; hence they gained a distinction such as none of their predecessors had attained, were prized all over Greece, travelled from city to city, with general admiration, and obtained considerable pay. While such success, among men personally strangers to them, attests unequivocally their talents and personal dignity, of course it also laid them open to increased jealousy, as well from inferior teachers as from the lovers of ignorance generally—such jealousy manifesting itself by a greater readiness to stamp them with the obnoxious title of Sophists."

We are not, however, to conclude that political speculations and discussions took their rise from the labours of the Sophists. The fact is, that from the earliest dawn of learning in the Grecian states, politics as a science, had a distinct and independent existence. It was interwoven with the general system of philosophical thought, and gradually expanded itself, as the minds of the mass of the people became more intelligent and refined. The Sophists merely performed a public

mission, which the circumstances of the times seemed to demand.

The history of Thucydides contains many political principles, and observations on the science of government generally. And the same may be remarked of the Orations of Demosthenes; that on the Regulation of the State, and one on the Crown, are especially worthy of perusal. He was a distinguished politician, and one who paid the most profound attention to the general principles of legislation and civil power. In one place he says, "The design and object of laws is to ascertain what is just and honourable, and expedient; and when this is discovered, it is proclaimed as a general ordinance, equal and impartial to all. This is the origin of law, which, for various reasons, all are under an obligation to obey, but especially because all law is the invention and gift of heaven."*

Socrates, 468 B.C., constitutes a conspicuous landmark in the progress of Grecian public opinion. He was as great in politics as in morals and philosophy; only he has not left us any written records of his thoughts on the subject. This is a matter deeply to be regretted, as he was profoundly acquainted with the entire system of government and laws, both as it referred to his own country, as well as to foreign theories. His public teachings, generally embracing direct allusions to common sentiment and feeling, formed an important element in Grecian political speculation; but we have the fragments of these teachings only from second hand sources, and not direct from his own pen.

After the death of Socrates, we have the great

* Oratio, 1st.

politician Plato, (B.C. 428,) presented to us; whose fame as a writer on general government is of the most extended and undying character. He was profoundly skilled in all the questions of the day relative to the nature and origin of social institutions. To deep thought, acute observation, and a lofty spirituality of conception, he added extensive experience from foreign travel; for he visited various countries for the express purpose of making himself thoroughly acquainted with the political sentiments and views of other nations.

The *Commonwealth*, or as some stile it, the "*Dialogue on Justice*," was the result of Plato's riper years and understanding; and he is said to have paid great attention to its revisal, during his lifetime. The political part of the treatise must be considered through a moral medium; for it is assumed by Plato, as a first principle, that moral virtue is the excellence of human nature, and that the more fully this excellence is brought out in the culture of general society, the more simply and easily does the political machine move and act.

He was too keen and profound a genius not to see, that before he could fully develope his plan of government, some preliminary discussion was requisite to ascertain and fix the nature of what he called *Justice*. This he proceeds to do by showing that what is just, does not depend upon arbitrary enactments or decisions of legislators; otherwise there could be no real science in politics whatever, for what was good and just in one state, might be considered bad and unjust in another. He falls back, therefore, on some general test. This he looks for in the constitution of the human mind itself; and finds it in three distinct

principles, susceptible, in their respective developments, and aggregate relations, of explaining the general phenomena of the political world. These principles are;—the desire of pleasure; the defensive faculty, or the principle of irritation; and reason.

Here there is opened out a wide field for discussion. Numerous considerations arise from the mode in which these three faculties act and re-act upon each other; and the ascendancy which any of them gains over individuals in society at large. To have confined his remarks or illustrations to mere personal cases or instances would have amounted to nothing; Plato, therefore, looks at a Commonwealth in the aggregate, and then attempts to trace out how these re-union powers are manifested by classes of persons. He is by this means able to work out his political problem, and to give a somewhat plausible solution of it. Wherever there is a deviation from the perfect form of the Commonwealth, Plato finds it to arise from the irregular and deranged action of the three powers,—the love of pleasure, the principle of irritation, and reason. They do not act in harmony, and hence the political machine gets out of order. In considering the three elementary forms of government,—tyranny, an oligarchy, and a democracy, he makes the three faculties act a pre-eminent part; and it is by delineations of their individual and general actions, that he comes to his conclusions as to the nature of these forms of government, and to what their regular features are, from various points of view. In the Dialogues, the moral element greatly prevails over the political,—the latter being made subservient to the former. Reason is made the ultimate arbiter, or sovereign legislator; and keeps in subjection

the other inferior powers of the mind. Public happiness is promoted just in exact proportion to the wisdom and tact which she displays in her intellectual territory. Every error she commits tells immediately upon the fortunes of the State.

According to the theory here laid down there is an indissoluble and powerful sympathy between man, and society; between his moral feelings, desires, and conceptions, and the State of which he is a component element. Hence individual and political systems of morality, illustrate each other.

Plato's *System of Laws*, contains, in the first five books, his observations and ideas on the general principles on which all law is founded; on the duties and obligations of legislators; and with remarks on the advantages which would accrue to mankind if the reasons for the enactments of all laws, were brought home to the understandings of men, and rivetted in their memories.

The other remaining five books treat on municipal and international laws.*

All Plato's political speculations had as we have seen, moral philosophy for their basis. He took a comprehensive view of man in his ethical character; and was convinced, that the only mode of dealing with him, and improving his nature, as a member of a social confederacy, was by keeping in view those universal principles of action, passion, and sentiment which display themselves in the every-day movement of human life. His moral system having, likewise, a distinct and necessary connection with the great maxims of theism, he was led to incorporate theological

* Platonis, de Republica, Cantab; 2 vol. Gr. et Lat. 1713.

doctrines with the more abstract principles of his political philosophy. This latter circumstance tended to impart that *ideal* character to his social system, which it has invariably maintained from his death to the present day. But a careful perusal of his *Republic* will show that there is, in reality, less of the imaginative, and more of the practical in his views, than men are commonly led to think. His reference to actual experience is frequent and conclusive. He constantly appeals to Sparta, Crete, and Crotona, for illustrations of his fundamental positions; and seems anxious that men should not be led astray by impracticable and whimsical theories of government.

The doctrine of different *castes* or orders of men, lay at the root of all the political speculations of the ancients, and vitiated and corrupted all their theories and public institutions. In writing his Republic, Plato seems to have paid marked attention to this political principle; and to have looked into its various workings as exhibited in Egypt, in India, and in his own native country, and more especially under the government of Lycurgus, with a keen and discriminating eye. He still, however, seems to have thought the principle of castes a sound one; for we find him dividing the citizens of his ideal Republic into three distinct orders; the magistracy, or the race of gold; the warriors, or race of silver; and the workmen, or race of iron. To remove any objections that might be urged against this classification, on the score of repressing the spirits or hopes of the great bulk of the people, he provides what, in fact, amounts to something like a compromise of his own principle, by divine ordination, that a citizen of the race of gold

should have a son of the race of silver, and *vice versâ*, and that one of the race of iron should have a son of the race of silver, and perchance of the race of gold. He thus breaks in upon the absolute character of the doctrine of castes, and make a fusion of the whole of the three races.

As an antagonistic principle in some measure to the dogma of Castes, Plato, in his Republic, establishes among the people a community of goods. Women are even to be common to all; a sad drawback to the lofty views of the propounder of the system. A common family is thus formed, and all the children recognised as the heirs in common of the state, which takes upon itself, the care and responsibility of their maintenance and education. These two principles,—the community of goods and the community of wives,—are certainly widely apart from the doctrine of castes; and in what way or degree they were to be reconciled or amalgamated, either on practical or philosophical grounds, the divine philosopher does not inform us. Poets were in his Republic hardly dealt with, being liable to banishment for corrupting religious sentiment and opinion by mythological fables. No foreigners were allowed to reside in the island of *Atlantis*, lest the citizens should be led by them to adopt luxurious habits and innovations, incompatable with the other political and important duties of social and public life.*

Rousseau makes the remark, that Plato, in his Commonwealth, had traced rather a system of education

* *Morgenstein*, Caroli de Platoris Republica Commentationes tres. *Bassarion* (Cardinal) Contra Columniatum Platonis Lib. 4, c. 2, Venet. 1516. See Bockh, Bekker, and Von Ast, as to the originality of several works, and parts of works, ascribed to Plato.

than the plan of a government. The Grecian philosopher imagined that the best way of rendering men fit for the privileges of citizenship, was by educating them from the cradle, and, were it possible, even by changing their natural relations of birth. He obliterated family connexions, in order that the fraternity of the state might be fully realized. He caused the relations of the sexes to disappear; and taking from women their most amiable virtues, modesty, and fidelity, he aimed at the same time to free them from all natural weakness, and to render them as robust and warlike as men. His theory viewed in this light, continues Rousseau, was only an exaggerated commentary on the rugged and coarse institution of Lacedæmonia, written with the enthusiasm and ingenuity of an Athenian philosopher.

Dr. Gillies observes, in reference to the political works of Plato, that, "Like some other of the scholars of Socrates, he traced the plan of a perfect Commonwealth; though his work, known by this title, as has been justly observed by a great genius, (Rousseau), is rather a treatise of education than a system of policy. The real republic of Plato is contained in his book of Laws, in which he explains, with no less acuteness than elegance, the origin and revolution of civil society, and traces the plan of a republic nearly resembling the Spartan model."*

After Plato, we come to Aristotle, B.C. 384, his distinguished pupil and rival in all the departments of human knowledge and inquiry. From the days of the latter to the present hour, his ideas and opinions of the nature of civil institutions, have been matters of deep and lively interest to all politicians; and have

* *Hist.* of Greece, vol. 3, p. 127.

furnished an inexhaustable fund for comment and criticism. His profound investigations, his splendid genius, sound judgment, and rigorous logic, have placed him at the head of all heathen philosophers on the nature and origin of the science of government.

The political speculations of Aristotle embrace three topics of discussion; the origin of society; the distinction of ranks in a state; and the most salutary plans of political economy.

On the origin of society, he grounds his opinions and principles upon the social phenomena of life. Government is a thing springing out of human nature, and is quite as natural as any mere physical fact can be. Thus government is an institution coeval with men's very existence; it may, and it does vary in different states and nations; but the great principles of events and sociability run through every form of it.

In the first book, Aristotle discusses the nature or end of a Commonwealth or State; analyzes it; shows that monarchy was the first form of government; enters into matters connected with domestic economy; gives his opinion on slavery; on the accumulation of wealth; riches, real and artificial; trade and commerce; money; manufactures; monopolies; women; children; slaves; and the connection subsisting between domestic and political economy.

The second book is taken up with a discussion on the political system of Plato. Here Aristotle points out the errors into which his master fell. He examines the Platonic Republic; the doctrine of the community of wives, children, and goods; the nature and use of separate or individual property; Plato's book of Laws examined and criticised; various schemes for the

equalization of property; their manifest futility; Hippodomus and his ideal republic; arguments in favour of innovation; arguments against it; the Spartan government; the Cretan; the Carthaginian; the Athenian; and of the political speculations of Zaleucus, Charondas, Philolaus, Diviles, Phaleas, and Androgamas.

Aristotle's third book, enters into the nature and offices of different forms of government, with a view to show what their constituent elements really are. He discusses what is meant by the word *citizen*; how constituted; the virtues of the man as an individual, and his virtues as a member of the state; the differences between these; various forms of government; their distinctive character; the principles of democracy; of oligarchy; of monarchy; the various kinds and modifications of these; and general arguments for and against particular forms of government.

The fourth book is devoted to the examination of the question, which form of government is the best? Aristotle here discusses the different views which men entertain on national happiness; what is a fair estimate of it; the best commonwealth; the extent and nature of its territory; commerce; naval power; climate; constituent members; health; the institution of marriage; and on children.

In the fifth book, the philosopher examines the system of education by which the best form of government is upheld. This embraces the nature of education generally; its different branches; how far it should be cultivated; grammar; drawing; gymnastics; music; exercises adapted to different ages; doubts concerning

the advantages of music; its various kinds; and the purgation of the passions.

The sixth book has been considered by some modern politicians as a masterpiece of sound reasoning. It embraces the question how "civil society is formed according to different models of government, and the several species of it?" This general and important inquiry contains discussions on governments; the modes of classifying them; democracy; its four kinds; constitutions, one thing by law, another in fact; the materials best adapted for different governments; mixed governments; the tests of a good government; how governments may be altered and improved; means which the nobles take to deceive the people, and the people the nobles; analysis of the principle of sovereignty; constitution of its several branches; and how far agreeable to the spirit and letter of different governments.

We have political revolutions treated of in the seventh book. Here Aristotle discusses the causes of political disturbances and seditions; insolence and rapacity of men in power; secret combinations of factions; particular causes of disturbances in each form of government; how governments are to be preserved; this is to be done by strengthening the middle ranks; of the laws of democracy, oligarchy, monarchy, and tyranny.

The eighth book contains republics of husbandmen; of manufacturers and merchants; imperfections of democracy; of oligarchy; of military and naval power; the different branches of executive magistracy; magistrates for protecting commerce, and regulating contracts; of police; of revenue; courts of record; comptrollers of

public accounts; different orders of priests; and superintendents of education and morals.

Aristotle maintains that all governments tend to two extremes; the one which has for its sole end, or object, the general good of the people; and the other which sets that good at nought. Whether a government be monarchical, aristocratical, or democratical, there is still inherent in each form a tendency, greater or less according to circumstances, to run into either extreme; and, as it has been observed, he showed that each kind might sin against its own end and aim—the public interest; the monarchy, by becoming a despotism; the aristocracy, by degenerating into an oligarchy; and the democracy, by falling into Anarchy: in all which cases the people at large were absolutely neglected, and the usurping body consulted its own interests or caprices alone. Nor should it be forgotten that this great man, with his deep knowledge of human nature, has devoted much of his writings to show how the people may, by education, be so much improved in knowledge and in virtue, as to become capable of exercising political privileges with advantage to the State. Admitting, as he does, that there had always existed in the Greek Commonwealths a large body of utterly ignorant and unprincipled persons;—the sport of their own blind passions, and the ready tools of whatever ambitious and profligate leader might arise to direct them for his own ends; in one age, the willing slaves of some successful warrior; in another, the headless followers of some powerful orator, through whose dangerous influence the popular form of government was sure to be corrupted, and the people to contract all the vices and the ferocity of the tyrant:—he

points out how these evils, excepting in the case of a few unhappily constituted individuals, might be prevented by a fit system of moral, physical, and intellectual training. In order to maintain perfect equality among the citizens, he prescribes that the greater number of offices are to be conferred by lot; in general no one is a second time to serve in the same capacity, except only in military places; and justice is to be administered by all the citizens in succession. The exception introduced as to military service shows the dilemma in which Aristotle found himself, of applying his rules to cases of public service bearing directly upon the State; for the duty of defending it against foreign enemies only differs in the degree of its importance from that of performing any other duty towards the community.

Political virtue is, in Aristotle's idea, strictly in unison with personal or individual virtue. Virtue in a State or Community, is justice. This term justice is, however, often taken in a variable sense. It sometimes designates the intention or power to dispense to every member of the State that which the law orders or awards; and sometimes for that which gives to every individual whatever belongs to him. Thus arise two kinds of justice—the distributive and the retributive. Applying this distinction to society, he says it is just, that all the members of it should participate, according to merit, in those goods or benefits, which are divisible among its members—namely, honours and property. The scale which is to regulate the allotment or distribution of these goods or benefits, according to merit is a geometrical one; and the value of the individual is to bear to the alloted benefit, the same ratio as that of another's is to his portion.

Retributive justice exacts equality in goods, in the act of the exchange; and, consequently, the ratio which regulates its advantages is an arithmetical, and not a geometrical one. In both cases, justice is the virtue which proportions out the social benefits to all classes of persons. It is the mean between the doing and the suffering of injustice. It is limited entirely to the civil relations of life; for when we depart from this abstract and general view of it, and treat of the relations subsisting between master and slave, parent and child, husband and wife, we obtain only a resemblance to justice. In a State we must make the distinction between what is naturally just and right, and what is legally and humanely just. The former is every way the same; while the latter varies with the legislative power and enactments of every country. Natural law is more estimable than positive law; and equity is superior to justice; because from the very nature of law, great injustice must often be inflicted to gain the end proposed. This often gives rise to special rectifications of its severities and inhumanity. Here equity has to step in, and assert her healing power, and remedy the evil.*

The political philosophy of Aristotle, taken as a whole, differs in some essential points from that of Plato's. The former is more practical, material, and gross, than the latter. Every thing which relates to the good of man in Plato's system of social science, has a direct and immediate reference to the great source of all intelligence and good; while, on the other hand, Aristotle, in writing of what is good in society, restricts his views of its nature and consequences to the present

* Eth; Nic: 5, 10, 11.

hour, and with little reference to any spiritual or loftier element of speculation. He makes a distinction between that which is absolutely good, and that which is relatively and practically good to man, as an instrument of necessity and expediency; and he contends that the higher, or more general good has no necessary logical connexion with the contingent and subordinate good of the creature.

Aristotle took an enlarged view of politics as a science, and included in it all ethical or moral disquisitions and principles. He makes three chief divisions of it:—Ethics, Economics, and Politics. The latter term is taken in a narrow and contracted sense. He considers ethics or morality to be the basis of all sound politics; since without good morals, no state can enjoy security and prosperity. The Economics treat of the general management of a family.

In Aristotle's opinion, the moral constitution, sentiments, and feelings of man, are to be considered as resting upon an altogether different ground, from other portions of animated nature. The distinction between man and other animals, consists in this, that the former participates more directly and largely in the divine nature and attributes than the latter; and consequently, that man has a measure or extent of reflexion which is denied to the inferior members of the creation. Man, he says, is a domestic and political animal; and all that which we designate individual and social morality, and individual and social good, is a thing which springs naturally out of his constitution, which we call his soul, or reflective powers. Man is, therefore, in all his movements, limited to the seeking after that species or kind of good which is

calculated to minister to the present wants of his being. For wherever, or in whatever degree, this principle is departed from, in the exact ratio is evil and punishment brought both upon individuals and communities. All the impulsive desires of man to action, and the gratification of certain appetites and passions, rest upon this cardinal point of his absolute wants and necessities.

Aristotle maintains that the origin of states and governments rests upon the formation of individual families. Society is merely the union of several of these. The object of the union is, to be able to defend itself, and obtain the necessaries of existence. The weakness of individuals is obviated by the formation of a common bond or league. Calculations of utility or advantage are, at the bottom of all social combinations; but utility, in its widest signification, is the rule, and not merely present gratification or indulgence. There must not only be a supply of the necessaries of life; but good order and virtuous sentiments must be established and promoted, or society will not hang long together. A state is to be distinguished from a mere horde of people extrinsically united by the sole circumstance of dwelling in the same country or locality, and the simple ties of blood or marriage. Those who inhabit a common country, are not, by this circumstance, entitled to be considered citizens; but those only who by virtue of a constitutional law, enjoy rights and authority, and legal protection; so that a state is the association of freemen and equals, who voluntarily come under a social system of government and justice.

To slaves, and those who follow sordid occupations,

in becoming freemen, Aristotle gives the name of imperfect citizens; and all such are rendered incapable of justice, or of enjoying political rights and privileges.

Theophrastus was the successor of Aristotle, and expounded his political, in conjunction with his other branches of philosophy. We are informed that he made a learned and valuable collection of laws, and appended it to Aristotle's treatises on governments and constitutions.* This collection is understood to embody nearly the same abstract views on the political principles of society, as those entertained by the great philosopher himself. From scattered and detached passages in the writings of commentators on Theophrastus, we find it asserted, that his political sentiments were sour, selfish, and low; considering man merely in the light of an ordinary animal, and throwing censure on the sacred institution of marriage, and the moral relations subsisting between parents and children. He seems to have dwelt with more keenness and zest on the follies and perversities of society, than on the virtues and duties of citizenship.

The followers of Theophrastus, in the political school of Aristotle, were Strato of Lampsacus, Lycon, Ariston of Ceos, Critolaus, and others. Though we are informed that the moral or ethical doctrines of the Stagyrite formed the chief topics of his critics and commentators for a long period after his death; yet we are not in possession of any of their political writings or speculations. All that can be advanced on this topic is mere surmise and conjecture.

Phocion, a distinguished peripatetic philosopher, entered enthusiastically into many political questions,

* Cicero. de Fin: 5, 4.

and was celebrated throughout Greece for his knowledge and patriotism. On the importance of nations adopting a liberal policy, and in cultivating a spirit of mutual good-will and unity among each other, he displays an enlightened mind, with great earnestness and eloquence of language. He maintains that all national conflicts necessarily entail great burdens on the people, and induce legislators to adopt the maxims of temporary expediency rather than a sound and comprehensive line of action. Such conflicts likewise engender the wicked and revengeful feelings of our nature, which are contrary to the best interests of mankind. His discourses or essays on this topic are vividly conceived, and beautifully expressed. In one place he says, "How could it be, that men who gave up their independence, and formed societies, because they perceived their need of one another, did not perceive that societies are under an equal necessity of succouring and loving each other; and did not immediately infer that it behoved them mutually to observe among themselves union and benevolence as the inhabitants of a town? How slow is reason in availing itself of experience, and shaking off the yoke of custom, prejudice, and passion."

Independent of the regular treatises and dissertations on political science and governments, we have just noticed, there were other Greek writings that exercised no small degree of influence over the public mind in reference to forms of civil polity. Political principles and sentiments were more or less embodied in much of the poetry, history, and oratorical displays of the Athenian people. These several kinds of literary productions are fully entitled to a passing notice.

The early poet Hesiod speaks in a fabulous strain of the origin of men and governments. "The first race of men," says he, "lived like gods in perfect happiness; exempt from labour, from old age, and from evil. The earth spontaneously supplied them with fruits in the greatest abundance. Dying at length without pain, they became happy and beneficient spirits, appointed by the divine wisdom to the royal function of superintending the future race of men, watching their good and evil ways." This is what he calls the *Golden age*, a term which has descended down to our own times. "The second race of men," he continues, "were like those of the golden age neither in nature nor moral conduct. They scarcely reached manhood in a hundred years; yet not less subjected to pain and folly, they died early. They were unceasing in violence and injustice towards one another, nor would they duly reverence the immortal Gods. Jupiter, therefore, chid this race in his anger, because they honoured not the blessed Gods of heaven."

In the poem "Theogony," he says, "The chief of the Muses attends upon Kings. That King whom the Muses honour, and on whose birth they have looked propitious, on his tongue they pour sweet dew. From his mouth words flow persuasive. All the people look upon him while, pointing out the law, he decides in righteous judgment. Firm in his eloquence, with deep penetration, he quickly determines even a violent controversy. For this is the office of wisdom in Kings; to repress outrage and injustice, administering equal rights to all the general assembly, and easily appeasing irritable minds with soothing words. When such a King walks through the city, eminent among

the assembled people, he is courted as a God, with affectionate reverence. Such is the sacred gift of the Muses to men; for poets and musicians are from Apollo and the Muses; but Kings are from Jupiter himself."

There is a considerable portion of political matter in Homer. He is a zealous advocate for royalty. "The honour of the King is from Jupiter, and the all-wise Jupiter loves him." "The government of many is bad; let there be one chief—one King." Here it is generally understood he speaks of the executive functions of a government; for he says afterwards; "Let there be one chief—one King, to whom Jupiter has intrusted the sceptre and the laws, *that by them*, (the laws,) *he may govern.*" Telemachus is represented as succeeding by inheritance to his father's estate; but the succession to the throne is spoken of as being open to competition. There is no mention made of republican forms of government. Still, however, the great principle, that all political authority arises from the people is recognised by him. "May the Gods grant you and your guests to live happily; and may you all transmit to your children your possessions in your houses, and whatsoever *honours the people hath given you.*"*

Solon, (B. C. 604) in his elegy of Salamis, gives expression to many political sentiments and opinions, connected with the then government of Athens. Being a legislator by study and social position, his patriotic sympathies were excited to a great pitch, and he presents us with many sad exhibitions of the civil condition of the people, whose lot he was so anxious to improve. "My feelings," says he, "prompt me to

* Odyp: l. 7.

declare to the Athenians how much mischief political injustice brings over the city, and that justice everywhere restores a perfect and harmonious order of things." "The misery of the people forces itself into every man's house; the doors of the court yard are no longer able to keep it out; it springs over the lofty wall, and finds out the wretch, even if he has fled into the most secret parts of his dwelling."

From the small portion of the writings of the Greek dramatists which has come down to us, it is evident that the political influence of the drama was by no means slight. The Greek tragedian, much more than his modern successors, was a teacher of religion, morals, and politics. He entered into all the prominent occurrences of the times, and portrayed their general bearings, on private and public feeling, with more or less dramatic point and energy. True, we must not expect to find in Greek plays, discussions on political economy, or even broad statements of political principles. Such sermonising was as foreign to the character of the drama, as it would have been intolerable to the versatile Athenians, whose object in going to the theatre was amusement only, and were as little disposed as any modern play-goers, to listen to long and formal essays on the stage. The only means, therefore, that the Greek dramatist had of influencing the political feelings of his countrymen was, by selecting some myth or historical fact for the groundwork of his play, as had an analogy to the peculiar topics or circumstances of the day, and might be readily made to bear directly upon them. Thus we find Euripides, in the *Troades*, recommending the Sicilian expedition of Alcibiades to the Athenians,

by recalling to their recollection a similar successful exploit in the heroic ages.

Æschylus was a bold and fiery spirit. His political bias is characterised by a fondness for Dorian institutions, and aristocratic influence and power. He adopted the politics of Aristides, and opposed Pericles in the *Eumenides*. In all his dramas there are many direct allusions to the public and political affairs of his time. The chief of these plays, are *Prometheus Chained*,—*The seven Chiefs against Thebes*,—*The Persians*,—and the triology, consisting of the tragedies of the *Agamemnon*, the *Choephoræ*, and the *Eumenides*, already mentioned. The maxims of Solon, on general government, often occur in his works.

Sophocles was a political partizan of Pericles; and we find many passages in his plays evidently written with a direct view of ingratiating himself with that Statesman. In the *Antigone* of the dramatist, he advises the Athenians to yield a ready and hearty obedience to the commands of Pericles. There is, however, in all his dramas a lofty and sublime spirit running through those passages in them which have a direct bearing on the great principles of political science. Virtue and justice, law and governments, seemed to him to be based on the great and imperishable truths of theology. He says, in one passage, "O for a spotless purity of action and of speech, according to those sublime laws of right, which had the eternal heavens for their birth-place, and God alone for their Author—which the decays of mortal nature cannot vary, nor time cover with oblivion; for the divinity is mighty within them, and waxes not old."*

* Œdip: Tyran: v 882.

Euripides was an admirer of Alcibiades, and an approver of his general political opinions. As already mentioned, he wrote the *Troades*, and other dramas, to recommend the expedition of his patron to Sicily. Many profound remarks are to be found in his plays on matters connected with the general principles of government.

To the Greek comedian there was a much wider field open for ridicule and satire. But here again, abstract political teaching was impossible; and the only means which the dramatist had of condemning a bad principle was by exposing its consequences, and holding the person who advocated and supported it, up to ridicule and banter. It was thus that the ambitious schemes of universal dominion fostered by Alcibiades, and the war party, were exposed and laughed at by Aristophanes in his play of the *Birds;* where the Athenians are represented as the foolish birds that were induced by two ambitious and unprincipled schemers to make war against the Gods. The author was firmly and warmly attached to the democratic principle in Greece. He ridicules the political principles in Plato's republic, especially in regard to those plans propounded for the management of female citizens. Aristophanes in his *Plutus* dissuades the Athenians from their passionate and fashionable adoption of Spartan manners.

The *Archarneans*, is another of the political satires of Aristophanes. It contains many vivid delineations of Athenian parties, and has for its main object the persuading his countrymen to an amicable settlement of their differences with the Lacedæmonians, and the other States of Greece. The chorus abounds in the

most biting ridicule and sarcasm, and has also several passages breathing the most devoted and patriotic feelings. The factious disposition of the assemblies is dwelt upon with great force and humour, and the follies and vices of the "sovereign people," meet with no mercy nor compassion. The play of the "Knights" is directed against one of the Athenian generals and demagogues called Cleon, who had gained a great and undeserved ascendency over the populace of Athens. Aristophanes succeeded in overturning his power, and covering him with ridicule and public contempt. And it is said, that so severe was this personal attack upon Cleon, that Callistratus, the favourite comedian of Aristophanes, declined personating the powerful demagogue on the grounds of dreading his deadly resentment; and that the author, in this dilemma appeared on the stage himself, and sustained the character with remarkable ease and spirit. In addition, however, to the attack on Cleon, the piece lashes the fickleness of the Athenian democracy generally with great severity. We shall give the following lines, from this play of the *Knights*, taken from the part of it complaining of the ingratitude and restlessness of the people, and of the unprincipled conduct of the demagogue Cleon. It is a translation from a periodical work of sterling character and reputation.

With reverence to your worships, 'tis our fate
To have a testy, cross-grain'd, bilious, sour
Old fellow for our master; one much given
To bean diet; somewhat hard of hearing.
Demus, his name, Sirs, of the parish Pnyx, here.
Some three weeks back or so, this lord of ours
Brought home a lusty slave from Paphlagonia,
Fresh from the tan-yard, tight and yare: and with

As nimble fingers, and as foul a mouth
As ever paid tribute to the gallows.
This tanner—Paphlagonia, (for the fellow
Wanted not penetration) bow'd and scrap'd,
And fawn'd, and wagg'd his ears and tail, *dog-fashion*;
And thus soon slipp'd into the old man's graces.
Occasional douceurs of leather-parings,
With speeches to this tune, made all his own.
"Good Sir, the court is up—you've judg'd our cause—
'Tis time to take the bath—allow me Sir—
This cake is excellent—pray sup this broth—
This soup will not offend you, thro' crop full—
You love an obulus; pray take these three—
Honour me, Sir, with your commands for supper."
Sad times, meanwhile, for us! With prying looks,
Round comes my man of hides; and he finds us
Cooking a little something for our master,
Incontinently lays his paws upon it,
And, modestly, in his own name presents it!
Then none but he, forsooth, must wait at table;
(We dare not come in sight) but there he stands
At supper time, and, with a leathern fly-flap,
Whisks off the advocates; anon, the knave
Falls to his oracles; and, when he sees
The old man plunged in mysteries to the ears,
And scar'd from his few senses, marks his time,
And enters on his tricks. False accusations
Now come in troops; and, at their heels, the whip.
Meanwhile, the rascal shuffles in amongst us,
And begs of one, browbeats another, cheats
A third, and frightens all. "My honest friends,
These cords cut deep, you find it—I say nothing—
Judge you between your purses and your backs.
I could, perhaps"—We take the gentle hint
And give him all; if not, the old man's foot
Plays such a tune upon our hinder parts,
That flogging is a jest to't—a mere flea-bite.

The Comedy of the *Wasps* was designed to ridicule the fondness of the Athenians for litigation, and their practice of constantly attending the courts of law. The personal satire is chiefly directed against Laches, the Athenian general, who commanded the first expedition against Sicily, and had amassed great riches from the bribes of the enemy. The play called "*Peace*" is purely political, turning the entire plot on a desire for universal peace.

In the works of the ancient historians of Greece, we find a considerable mass of useful political knowledge, blended with the narrative of events, and the divers vicissitudes and fortunes of the most distinguished lawgivers and generals of the kingdom. The majority of these writers were men of profound thought, and philosophic acumen; and were, therefore, naturally led to pay more than usual attention to the causes of political revolutions, and social manners and customs. On this account almost all their writings may be advantageously consulted by those desirous of fully appreciating the general current of political philosophy in Greece, during the whole of her eventful history, and of ascertaining how deeply that philosophy was impregnated with the mythical and religious elements, so strikingly developed in all the national phases of the Grecian understanding.

Xenophon (B. C. 427) was a distinguished political writer. He is said by some historians to have composed forty books on the subject of legislation and government. His strictly political treatises are his Economics; the Essay on Public Revenue; Hiero, or Monarchy; and two Discourses on the Athenian and Lacedæmonian States; but the authenticity of the

two latter publications has been called in question by some modern critics.

His work on the Athenian Republic is a very brief one; embracing only ten folio pages. His Hiero, or Monarchy, contains only twenty pages of the same size. The Economics constitute the fifth book of his Memorabalia. The observations on the Lacedæmonian Republic, extends only to twenty-four folio pages.*

Xenophon appears to have been intimately acquainted with the laws, and general tone of the politics of Sparta; but his own notions as to the best model of a government, is that of a well regulated monarchy.

Xenophon's Cyropœdeia, or institutions of Cyrus, is a kind of political romance, intending to render more simple the doctrines laid down by Socrates. The aim of the treatise is to show, that the practice of wisdom and virtue in the affairs of government, is the only and best security for their successful execution. From the agreeable and natural ease which pervades the work, many authors have taken it for a true history.

In the writings of Diogenes Laertius, many valuable and profound observations may be met with, bearing on the general maxims of State policy.

Polybius, the historian, makes many acute and profound observations on political science, as we find in the fragments we have of his writings. He maintains the universality of the principle of social confederation implanted in man, and that the great problem in the science of human intercourse is, to frame legislative measures in accordance with the fundamental principles of our nature. It has been remarked, that he seemed to have adopted many of the leading political

* Opera, Paris, 1625.

views of Archytas and Hippodamus. The notions of Polybius were quite of an eclectic character. In one place he says, "The majority of those philosophers who profess to reason on political matters, recognize three kinds of government, royalty, aristocracy, and democracy. But it appears to me a very fair question, whether they exhibit these political forms as the only ones in existence, or merely as the best that can be devised. In these points I humbly conceive them to have fallen into error. It is evident we should esteem that as the most excellent constitution, which is mixed, and composed of all the particular forms already mentioned. And here not every denomination of a single individual should be called royalty, but that only which is founded on a just obedience, and which is exercised rather by wisdom than by terror and compulsion. Nor should we believe that every oligarchy is necessarily an aristocracy, but that only which conducts to power, the justest and wisest men. For the same reason, we should not denominate as a democracy, a constitution in which the whole multitude is able to act as it pleases, but that only which maintains the ancient and familiar customs of worship towards God, gratitude towards parents, honour to old men, and obedience to the laws. Such is the assembly of men who, if swayed by the council of the majority, we should entitle a democracy."*

In Plutarch's *Lives* (who lived in the second century of the Christian era,) there is a great fund of political information, not only embodying matters of fact, in reference to the workings of particular

* Poly; in Fragmentis.

forms of government, but likewise illustrations of abstract principles, and his own individual opinions on questions of moment. His notions seem to have been decidedly monarchical. He says, "If the privilege of choosing were granted us, we should not adopt any form but the monarchical." Again, "Nothing conduces more to the public security and peace, than that the commonwealth, should be subject to one Monarch."

In the treatise called the "Philosophy," of Plutarch, we have a more connected statement as to his views of political science. The "Instructions for the management of State affairs," contains a vast body of well digested thought on modes of government. This division of his subject consists of two parts; "Precepts of Policy," and "Apothemes of Kings, Princes, and Captains." They are both highly interesting. The author maintains generally, that tyranny of all kinds is to be avoided, as the greatest curse of mankind; the governors, and the people should take wise counsel in due time, on state affairs; that vice and immorality are highly detrimental to the growth, power, and happiness of states; that a spirit of mutual kindness, conciliation, and accommodation ought to be assiduously cultivated between rulers and people; and that education among all the various classes of citizens is a matter of paramount political importance.

The orations of Demosthenes we have already incidentally alluded to; but in addition to the two orations there mentioned, we are desirous of drawing the reader's attention to those "For the Liberty of the Rhodians," and "On the Classes."

In casting a glance over the Grecian political writings, as a whole, I think we may readily perceive

that there was less of the real speculative and mystical element embodied in them, than in other departments of philosophical inquiry. In moral, metaphysical, and theological disquisitions, we see a wider range given to the imagination, and constant efforts made to construct abstract and refined theories, in order to explain the varied phenomena appertaining to these respective divisions of human knowledge. In politics we have more of the practical than the systematic; more attention paid to what was, for the time, really expedient and necessary, than to the positive value and importance of general maxims or principles of national polity. The Grecian politicians seemed unwilling to trust themselves far out in the ocean of pure speculation, but rather to creep along the skirts of the coast, and be guided in their opinions and judgments by actual experience and matters of fact. Hence we find them continually appealing to the political institutions of various countries and cities; testing their general conclusions by practical examples more or less pointed and numerous. Pure theory touched upon political inquiries only at an oblique angle, and did not cast so dark a shadow over the labours of thinkers in the philosophy of citizenship, as in many other kindred subjects of mental speculation.

It is impossible to contemplate the political speculations of the Greeks, without feeling that they here, as in every other department of human knowledge, command our highest eulogy and admiration. There is nothing comparable to these speculations, in the history of any people, as being the pure offshoots or suggestions of unassisted reason and intelligence. Whether we examine the profound maxims on general

polity they developed, or consider them in the light of mere practical and party politicians, the character they assume, and the influence they have exercised over succeeding ages of action and thought, mark them out as a noble and highly intellectual people. Modern politicians, and historical writers, it is true, have entertained somewhat various and conflicting opinions as to the real value and character of Grecian writers on the abstract science of government; but none of these critics, distinguished as they really are, can deny the just claims of the political speculators of the Athenian republics, to be considered as energetic and correct thinkers in their day and generation. Their works, scanty and imperfect as they unfortunately are, will be read with interest and pleasure, so long as politics shall engross the attention of mankind.

It is interesting to have the opinion of such a distinguished man as Cicero, on the general character of the Grecian political writers; a man so deeply versed in the subject himself, and who lived but a few centuries from the ablest and best of the politicians of Greece. He says, "From the Platonic school the greatest light was cast over politics and laws. Afterwards, Aristotle illustrated all matters of civil jurisprudence in his elaborate essays, as did also Heraclites of Pontus, another of Plato's disciples. As for Theophrastus, who was instructed by Aristotle, he abounded, as you are aware, in disquisitions of this kind; and Dicœarchus, a disciple of the same master, was by no means deficient in jurisprudential science. After these, Demetrius Phalereus, drew legal learning by his admirable talents from the shades and seques-

trations of the schools, into the open daylight of civil life, and gave it a practical point and efficacy, which are of the greatest service in all critical emergencies and conflicts. This combination of legal theory and practice is the more valuable, since we often find that men distinguished in politics are deficient in philosophy, and those celebrated in philosophy, are remarkably ignorant in legal affairs."*

* De Legibus, lib. 3.

CHAPTER IV.

ON THE POLITICAL LITERATURE OF THE ROMANS, FROM THE EARLIEST TIMES, TO THE CHRISTIAN ERA.

THE Roman speculations on the principles of politics, did not partake so much of the mythical character, as those of Greece. The Romans being a bold and warlike people, their fetes lay more in action than speculation. They became first acquainted with the opinions of the Grecians on philosophy and legislation through the medium of the political relations subsisting between the two countries; and when the works of Plato and Aristotle became known, and particularly the latter through the instrumentality of Tyrannion and Andronicus of Rhodes, a greater extension and a more scientific character, were imparted to the current though scanty stock of Roman political knowledge.

It will be necessary here, as in the preceding chapter, to make a direct reference to the Roman government, previous to entering upon the literature of the country, as it existed for several centuries. The elements of which this government was composed, enter so largely, both as matters of fact and comparison, into modern treatises on political knowledge, that it would be manifestly impossible for a general

reader to form a correct opinion on the leading features of political literature, unless he is, in some measure, acquainted with them, or at least, with Roman institutions. The notice, however, which we shall give, shall be as brief as is consistent with clearness and utility; and we shall avoid all merely controversial questions of a historical and antiquarian cast.

It must be borne in mind, that the Roman government has furnished the elements of every political fabric in modern Europe, and many of its chief institutions are at this moment the only instruments which vast communities of people have to guarantee their civil rights, and municipal privileges. Besides, the Roman government having always been since its establishment in active operation, it has become identified with the abstract principles of political science in every age, and has been the great and common store-house from which political writers, of all grades of opinion, have drawn their materials for discussion and illustration.

History does not furnish us with many very well authenticated materials, relative to the early political constitution of ancient Rome. In all accounts of the primitive government of the Roman people, a good deal of the marvellous is incorporated; but what we shall state in the following pages will, we hope, be borne out by the general testimony of the most creditable writers on the subject.

We find that when Romulus founded the city of Rome, he inquired of his followers whether they would have a republican or a monarchical form of government; and after duly weighing the nature of both systems, they declared for the latter, and appointed him to be

their king. After instituting some little matters of personal ceremony, calculated to inspire his subjects with a proper and becoming degree of reverence for the kingly office, he divided the people into three distinct classes called *tribes*. Each tribe was divided into ten *curiæ*, or companies of one hundred, and these one hundred persons were again divided into tens, under the name of *decuriæ*. The *tribes*, *curiæ*, and *decuriæ* had each an officer or commander under the title of *Tribune*, *Centurio*, and *Decurio*.

The lands were divided into three parts, but not equally. One part was appropriated to religious purposes, another to the support of the kingly office, and the third or largest portion, was divided among thirty curiæ, which division gave to each person about two acres of ground.

In each curia, a priest was appointed under the title of *curio*, for the due performance of all the rites and ceremonies of heathen worship. Two of the principal inhabitants were also chosen out of each curia, to administer justice, who were stiled *duumviri*.

The whole of the citizens of Rome were, for legislative purposes, divided by Romulus into two distinct classes, who for subsequent ages retained the appellations given to them. The one class were the *patricians*, composed of what were considered the most eminent men for birth, virtue, and wisdom; and the other were called *plebeians*, and embraced the humbler and less worthy portion of the inhabitants.

The Roman Senate was composed of a hundred of the most distinguished patricians, elected by the curiæ. The king claimed the privilege of naming the first senator, and he was appointed to take charge of the

city whenever Romulus might be absent. Each tribe elected three more, and then the thirty curiæ elected three each, which made the number of one hundred senators. These public functionaries were held in the highest esteem by the Romans, who called them the fathers of their country. When the number of the senators was afterwards increased, those of the new creation were named *conscript fathers;* but in the course of time this designation became common to all the members of this assembly.

The Roman government was now composed of three distinct powers, the king, the senate, and the people. The legislative functions of each power were settled in nearly the following manner. The king made known the laws, and carried them into execution. He had the power to convene the senate, and the assemblies of the people; decided upon all important matters; was the head of the religion of the state; general of the army in time of war; and had charge of all the revenues of the exchequer. The powers of the senate were, to attend to the due observance of the laws; to take into deliberation all matters brought before them by the king; and to carry their decisions to the *Comitia*, or general assemblies of the people. The king as chief magistrate of the nation, had a seat in the senate, but he had no exclusive power, and was limited, like another senator, to one vote. The assemblies of the people had the power of proclaiming peace and war, the enacting of laws, and the creation of magistrates and priests; but to all these acts, the senate's approbation was necessary, before they could become invested with the force and authority of laws.

The mode of election was by curiæ, and each citizen. In each curia, the majority of votes decided the question at issue, and a majority of the thirty curiæ determined the resolution of the whole assembly.

All the higher offices of the state, civil, military, and clerical, were to be filled from the patrician order of the people. The plebeians were placed under the jurisdiction of peculiar magistrates, but those magistrates were themselves under the authority of the senate, who were considered as the principal guardians and protectors of all the laws of the state.

But as dissensions might arise from the clashing interests of these two orders of the citizens, the patrician, and plebeian, Romulus endeavoured to unite them as closely as possible by the ties of mutual duties and interests. The plebeian had the liberty to choose a protector out of the whole body of patricians, who was obliged to attend to his interests, by taking his defence; by giving him advice and credit; and promoting his views in every possible manner. In return for these services, the plebeian engaged to give his assistance to the patrician in the discharge of all his public duties, both civil and military; and, if necessity required, to contribute to his ransom, and the dowry of his daughters, and even to give his protector his vote, if canvassing for office. The protectors were called *patrons*, and the protected *clients*. The patron and the client could on no account appear in courts of justice to bear witness, or take part against each other. This political combination, historians affirm, was of great use in times of civil commotion, when the people were tempted to rebel against the authorities of the state.

The law of matrimony was honoured among the Romans, and the following were some of its leading principles. A man could only marry one woman. Property was common to both parties, but under the management of the husband. His consent was necessary before a divorce could be pronounced; but on the other hand, power was given to the husband to put away his wife, and even to go so far as to condemn her to death by a family counsel, if she were convicted of adultery, poison, or drinking wine to excess.

The laws between parent and child were marked with still greater severity. The father had an absolute power over his children. He could, of his own free-will, either imprison, or sell them three times for slaves, beat them with rods, and even deprive them of life, at any period of their age, or in whatever rank or situation in society they might be placed. The father was empowered to abandon any of his offspring that were born with bodily infirmities, provided he had them previously examined by five of his neighbours.

Romulus was at all times extremely anxious to inspire his people with religious sentiments and feelings, with a view of obtaining a cheerful obedience to his laws, and supporting his authority. He instituted various festivals in honour of the gods, built temples, erected altars, and appointed certain days for public worship, on which the people were obliged to suspend all kinds of employment.

Numa, the successor of Romulus, made but few alterations in the laws of the state, with the exception of those only which related to the rites and ceremonies of religion. Numa divided the lands, which Romulus

had gained in war, among the most indigent of the people; and established several boroughs and villages where labourers were encouraged in all the useful arts of life.

The Roman Senate was increased to the number of three hundred in the reign of Tarquin. To distinguish the new creation of Senators from the old, the former were called *patres minorum gentium*, and the latter, *patres majorum gentium*.

A very important measure relative to the manner of regulating the taxation of the state, was brought forward and accomplished by Servius. Before his time every citizen contributed to the public supplies at so much a head, and not in proportion to the property he possessed. This mode of levying the taxes of the state was found to be very oppressive to the poorer classes of persons. On the other head the plebeians often opposed even the just and reasonable demands of the patricians, from the mere circumstance that they possessed always a decided majority in their own hands. Servius set immediately about the correction of these evils; and for this purpose he gave an additional degree of power to those persons in the state well known for their wealth and merit; while, at the same time, he curtailed the liberty of the poorer classes, but gave them, by way of compensation, an almost entire release from the burden of taxation, by placing an extra weight upon the upper ranks of life.

After settling some matters of arrangement, by increasing the number of tribes, to embrace those inhabitants who lived beyond the old boundaries of the city, he instituted the *census*. This law enjoined all

Roman citizens to furnish to the authorities of the state, upon oath, a correct account of the amount of their wealth, on pain of severe punishment, if they either neglected this duty, or made a false return. They were also to add to this, a statement in writing of their names, age, and profession, the name of the tribe to which they belonged, and the number of their children and slaves. This law enabled Servius to proportion the public burdens according to the wealth of the individual. This he did in the following manner. He divided the citizens fit to carry arms into six classes. Those of the first class were possessed of, at least, one hundred thousand *asses* or pounds of brass; those of the second, seventy-five thousand; those of the third, fifty-five thousand; those of the fourth, twenty-five thousand: and those of the fifth, twelve thousand five hundred. Those, whose riches did not amount to so much as the fifth class, were placed in the sixth, and called poor, or *proletarii*. The following scale, shows the value of these civil distinctions, according to the money of our times.

	Asses.	£	*s.*	*d.*
1st Class.....	100,000.....	322	18	4
2nd "	75,000.....	242	3	7
3rd "	50,000.....	161	9	2
4th "	25,000.....	80	14	7
5th "	12,500.....	43	7	3½
6th "	0 —.....	0	0	0

After this regulation was effected, taxes were not levied at so much per head, but by classes. The richest class of citizens paid more than one half of all the burdens of the state; the second so much less; and so on with the third, fourth, and fifth; but the sixth was exempted altogether.

These classes were also divided again into an unequal number of centuries, in the following manner:—

1st Class	98	Centuries.
2nd "	22	"
3rd "	20	"
4th "	22	"
5th "	30	"
6th "	1	"
	Total—193	Centuries.

To each of these centuries an officer was attached called *centurio.*

These extensive political regulations were productive of very important consequences. By laying the burden of taxation principally upon the rich, the poor were generally benefited, but at the same time their voice and influence over public measures were vastly diminished. Yet upon the whole they tended to add a strength and popularity to the government which it did not previously enjoy.

The above statement contains a brief account of the principal Roman laws enacted during the Kingly government. Many of these legislative measures survived the wreck of ages; while others again were annulled during the changes and turmoil of political vicissitudes.

After the expulsion of Tarquin, the regal state was abolished, and a republican form of government instituted in its stead. Two *consuls* were annually appointed, with equal authority. They were to be invested with nearly the same powers and privileges as the Kings had possessed, and to exhibit all the ensigns of monarchical authority, with the exception

of the crown. The election of the consuls was effected principally through the influence of the patricians, who contrived matters so as to have the suffrages taken by centuries.

The two consuls, Valerius and Brutus, as soon as they had obtained possession of power, re-organized the Senate, whose constitution and efficiency had been considerably impaired in the latter years of the Kingly reign. On the death of Brutus, while Valerius commanded alone the whole resources of the state, he contrived to get a single law framed which altered, almost entirely, the original fabric of the government. Under the reign of the Kings, the *Plebiscitum*, or decrees of the people were considered as not entitled to become laws, until they had received the sanction of a *senatus consultum;* but by the new law of Valerius, an appeal to the people could be demanded against the decisions of all public magistrates, even including the decisions of the consuls themselves.

This law became a very important one, and in the course of a few years produced great changes in the general government of the state. The people having a positive veto on every act of the legislature, no measure could be brought forward, with any hope of success, without it coincided with their interest, or their narrow and circumscribed views of public utility. The power of the consuls itself was even set at nought; and the whole political machine was impeded in its movements. Under these critical circumstances, a proposition was made to elect a magistrate for a limited period, who should possess absolute power over every rank in society, and yet be himself amenable to no law. To this person the name of Dictator was

to be given. He was to be elected by the Senate, and the people were to have the privilege of sanctioning their choice. To guard as much as possible against a tremendous power like this being wielded to ambitious and dangerous purposes, it enacted that his election should only be for six months. After some little discussion, the people gave their sanction to this measure, without appearing to perceive the consequences to which it would lead.

The Senate determined that one of the Consuls should name his colleague to the office of Dictator. This having been done, he assumed his important functions. He had the power of life and death over all the people; there was no appeal from his decisions; nor was he in any way personally accountable for any measure which he might deem requisite for the due administration of his government. In fact, his power was boundless; capable, in good and disinterested hands, of being turned to beneficial purposes, but when set in motion by cruelty, and personal ambition, productive of the most disastrous effects upon public liberty and happiness.

The next alteration of any consequence in a political point of view, was the agrarian law, a measure which has been often discussed by writers on legislation. This law aimed at the equal division among all the people, of all the conquered lands, and even those which the patricians had long had in their possession. This strange measure was highly disapproved of by the Senate; but to evade its effects, and gain time, the Senators gave their consent to the distribution of the lands, on condition that no alien should have a share of them unless he had assisted at the conquest.

The Senate also ordered that two *decemviri* should be appointed to attend to the measurement of the lands, and determine what should be sold, what let into farms, and what given among the people.

In the consulships of L. Pinarius and P. Furius, the power of the patricians was considerably curtailed. It was enacted that the elections should no longer be made in assemblies by Curiæ, but in assemblies by tribes. A law was also made which the patricians strenuously, but unsuccessfully opposed, that all affairs concerning the plebeians should be discussed in the same assemblies in tribes. These assemblies could be holden without the consent of the Senate, and the influence of the augurs; whereas the assembly by Curiæ, were obliged to obtain their consent. The patricians having the principal share of power in religious matters, frequently exercised it so as to defeat the objects the assemblies by Curiæ had in view, when they appeared to be opposed to their interests. This additional power given to the assemblies by tribes was therefore a very galling measure to the popular party in the state.

The jealousy and contention which arose between the two leading divisions of the people, the patrician and the plebeian, became every year more acrimonious and revengeful. The plebeians long looked with envy on the political power and influence exclusively enjoyed by their rivals; while the latter often exercised their authority in a manner the most oppressive, with the hope of repressing the discontents excited against them, and becoming, ultimately, complete masters of the entire resources of the nation. These two contending parties were brought into open

collision by the accidental circumstance of a Lady, the wife of an opulent plebeian having received an insult from her own sister, who happened to be the spouse of a patrician.

The husband of the injured female, C. Licinius Stoto, determined to be revenged on the patrician party, and, by the assistance and influence of his father-in-law, he canvassed for the office of Tribune, and obtained it. Having now got a little political influence, he proposed that one of the two consuls should always be chosen out of the plebeians, and for the purpose of more effectually enlisting the feelings of the people in this innovation, he coupled it with two popular measures relative to debtors, and the division of the conquered lands. The first of these popular suggestions proposed, that all interest was to be deducted from the principal in debts, and that this principal was to be liquidated in three years by three equal instalments. The other respecting the division of lands, embraced a proposition that no Roman citizen should have more than five hundred acres of land, and whatever he had more than this quantity was to be taken from him and distributed among those who had none.

The agitation of these questions created a great deal of political excitement in the city. The senate became alarmed, and tried every scheme in their power to thwart the proposed measures. They appointed a dictator named Camillus, who left no means untried, to counteract these popular movements; but all to no purpose. The tribution laws were enacted; and Lucius Sextius, a plebeian, was elected as consul, and clothed in the purple gown. Historians relate that this measure had a good effect in promoting harmony and concord in the state, for many years after.

Camillus, though disappointed in his expectations of preventing a plebeian consul, created two new state offices, the *proctorship*, and the *curell œdileship*. The former attended to the administration of justice when the consuls were absent or engaged in war; the latter was charged with the care of the temples, the games, spectacles, public places, markets and the preservation of the walls of the city.

From this period till the time of Augustus, the first Emperor, there was not much formal alteration in the laws of the Roman state. The military achievements, and unparalleled success, of this wonderful people, seem to have had the effect of drawing their attention from domestic government. The republican character of the nation became changed by the military despotism which gradually established itself. Many of the most valuable laws of the commonwealth, were from time to time undermined; but this was effected more by the inattention of the people, and the scenes of blood and rapine into which the rival aspirants to political power too often plunged, than by formal attacks upon the constitution of the state, by artful or tyrannical politicians.

Before entering upon the nature of the civil law of Rome, we shall present the reader with a short sketch of its history. We have seen by the preceding sections of this chapter, that at the foundation of Rome, by Romulus, the people were governed entirely by laws of his own dictation; but as these laws increased in number, he probably thought it more prudent, as well as just, to allow them to have some degree of influence over legislative measures. He divided them into thirty curiæ, which he called together to give their sanction to his enactments. This

practice continued for a considerable time, and was followed by the Roman kings. All these laws were collected by one *Sixtus Papirius*, from whence they attained the name of *jus Papirianum*. After Tarquin was expelled, and the republic established, the greater part of the ancient code of laws was entirely laid aside. From a perusal of the history of the Romans for many years after this time, it clearly appears that very great uncertainty prevailed as to the nature and extent of general laws; and the whole nation may be said to have lived from day to day, on a casual system of legal expediency. But at length the people became sensible of their want of some wholesome system of legislation; for they groaned from one end of the land to the other, under the tyrannical and undefined powers of the magistracy. These reasonable wishes were, however, opposed by the Patricians; but after a resolute opposition, the people's voice became triumphant; and it was determined that certain rules of government should be laid down, for protecting the liberty of the subject, and promoting the social happiness and welfare of the people.

A Decemvirate was chosen, composed entirely of Senators, and they applied themselves most zealously to the undertaking. At their head was *Appius Claudius*. An exile from Ephesus, named *Hermodorus*, explained the laws brought from Athens, which were amalgamated with the Roman code. After their labours were completed, they laid before the people ten tables, requesting them to examine them most carefully, and to point out such alteration as they thought necessary. When this was done, these tables were again submitted to the Senators, who examined

them minutely, and sanctioned them by a plurality of votes. Thus completed, the TEN TABLES were, in the year of Rome 304, submitted to the judgment of the people, and obtained their enthusiastic approbation.

These Ten Tables were, however, found to be defective; and when a new Decemvirate was appointed, consisting of seven patricians, and three plebeians, other two tables were added to the ten, and this body of law was distinguished by way of eminence as the *Twelve Tables*. But though the principle of justice on which many of these legal provisions were founded, was apparent enough, and the people entertained for them the highest respect; yet the extreme simplification of the abstract principles of right and wrong, became a fruitful source of ambiguity and contention. Disputes were perpetually arising where the judgment given on such comprehensive rules did not meet the justice of the case. These Twelve Tables had, therefore, to be continually subjected to additions, revisions, and explanations, and these were commonly effected either by a new law, senatorial decree, or a plebicita. A general law could only be framed by the senate and confirmed by the people; a senatorial decree might be made by themselves; and a plebicita, was a rule adopted by the plebeians, without the consent of the senate, and possessed all the force of a law. But besides these measures for elucidating the Twelve Tables, recourse was had to the interpretations and decisions of the learned, which received the names of *actoritas prudentum*, and *jus civile*. These in many cases were so generally acknowledged, that they carried with them all the force and sanction of special legal enactments.

Soon after the establishment of the Twelve Tables, the learned interpreters of the law composed certain solemn forms, called *actions of law*, by which the process of all courts, and several other acts, as adoption, emancipation, &c., were regulated. These forms were, for more than a century, sedulously kept from the people, and confined alone to the Priests and Magistrates. But in the year B.C. 448, they were collected together by Flavius a scribe, and were designated the *Flavian Law*. This collection of these forms was found defective, and another was afterwards made and published by *Sextus Ælius*, which took his name, and were called *Jus Æliamum*.

But the internal condition of the Romans was so deeply affected by their wars with other nations, that there was a great and constant fluctuation in all their legal enactments. Hence it was that another kind of law sprung up among them besides their Twelve Tables, namely, the *prætorian edicts*. Some of these edicts perished with the office from which they originated; yet many of them were found to be of such a wise and beneficial description, that they became invested with all the sacredness of the common law.

During the many political vicissitudes of the commonwealth, the science of law was cultivated with variable ardour and success. At one time civilians attended the former, and freely imparted the instructions to the humblest of the people. The duties of social life, and incidents of judicial proceedings were the usual subjects of their consultations, in these familiar interchanges of opinion and sentiment. At another period we find the science of jurisprudence quite an exclusive one, and cultivated

only by those who made it a stepping stone to honour and renown. It was studied by some of the leading names that shine in the annals of Roman history. It became a regular system, schools were established, books composed, and every means taken to dignify and ennoble this truly useful department of human knowledge. It is related of Labeo, who flourished in the Augustan Age, that he drew up himself four hundred volumes on law and legislation.

There are but few remains now extant of the Twelve Tables, which formed the principal body of Roman law till the time of Augustus. They were held in the greatest possible degree of reverence by the Romans; and were committed to the memory of the young, and the contemplation of the old. Their study is recommended by Cicero, as both delightful and instructive. "They amuse the mind," says he, "by the remembrance of old words, and portraits of ancient manners; they inculcate the soundest principles of government and morals; and I am not afraid to affirm that the brief composition of the decemviri surpasses in genuine value the libraries of Grecian philosophy. How admirable is the wisdom of our ancestors! We alone are the masters of civil prudence; and our superiority is the more conspicuous, if we deign to cast our eyes on the rude and almost ridiculous jurisprudence of Draco, Solon, and Lycurgus."

There are nine crimes of very different complexion, mentioned in the Roman law, to which the punishment of death is awarded. 1st. Any act of Treason against the State, or the carrying on of any private correspondence with a public enemy. The punishment for this

crime, was executed in the most painful and degrading manner. The head of the culprit was shrouded in a veil, his hands were pinioned behind his back, and after having been submitted to the scourge of the lictor, he was hung up in the midst of the forum on a cross. 2nd. Meeting at night in the City. 3rd. The Murder of a Citizen. 4th. The Malice of an Incendiary; the prisoner was whipped, and delivered to the flames himself. 5th. Judicial Perjury; the false witness was thrown headlong from the Tarpeian Rock. 6th. The Corruption of a Judge, who accepted bribes to pronounce an iniquitous sentence. 7th. Libels and Satires; the author was beaten with clubs, but whether unto death, has been a matter of uncertainty. 8th. Damaging or Destroying a Neighbour's Corn by night; the culprit was suspended as a grateful victim to Ceres. 9th. Magical Incantations, which had the power, in the opinion of the Latin Shepherds, to impair the power of an enemy, or to extinguish his life.

The law of the Twelve Tables against insolvent debtors has been often a subject of severe animadversion. The literal legal declaration on this subject is mentioned by Hook in his Roman history, to be as follows, "If a debtor be insolvent to several creditors, let his body be cut in pieces on the third market day. It may be cut into more or fewer pieces with impunity; or if his creditors consent to it, let him be sold to foreigners beyond the Tiber." After the judicial proof or confession of a debt, thirty days were allowed before a Roman could be delivered into the power of his fellow-citizens. In his prison twelve ounces of rice were his daily food; he might be

bound with a chain of fifteen pounds weight; and he was thrice exposed in the market-place to excite the compassion and sympathy of his friends and neighbours. At the expiration of sixty days the debt was discharged either by his slavery or death, as already mentioned.

Nothing can now be gathered from the Twelve Tables, as to within what degrees of consanguinity marriage was allowed. Ulpian maintains that marriage, in the early times of Roman history, was prohibited between parties as far as the fourth degree of kindred, which of course excluded that of first cousins. The prohibition of marriage between the patrician and the plebeian classes was abolished within six years after its enactment by the decemviri. There is one law remaining in the Twelve Tables respecting marriage, which declares a woman married of right, who had remained in the house of her husband a whole twelve months, without absence for three nights during this period.

In the Roman law marriage was of a two-fold nature; the *justiæ nuptiæ*, and the *injustæ*. The former was of three kinds. 1st. That the consent of the parents had been obtained, and the eating of bread and flour together; the gift to the damsel of a golden ring by a senator or patrician, and an iron one by a plebeian, with a kiss of ratification; this made the ceremony binding. 2nd. That by coemption; where by the payment of three pieces of copper money, the wife obtained a right of heirship to the husband's succession. 3rd. A woman became a wife by usurpation, which properly constituted her a *Roman Matron*. Those who were married according to the two former

forms were considered as the most honourable, and termed *matres familias;* and widows were entitled to an equal share of their husband's property.

The *injustæ nuptiæ* was of a two-fold nature; *injustæ legitimæ*, and *injustæ et illegitimæ;* both were the marriage of concubines; the one of a slave, the other of a free-born Roman woman. Both these kinds of marriage, were rendered legal by a law of Numa; but after the appointment of decemviri, no free-born woman of Rome could enter into any but an honourable marriage.

With respect to the power of making wills, the law was, that all who were not under the authority of a father might make a testamentary instrument. Numa made one exception to this rule, in the case of a vestal, who had the privilege to make a will even in her father's life-time. Females, whose fathers were dead, might, when at twelve years' of age, make a will, with the consent of their guardians. The Twelve Tables gave the father the right to dispose of all his property in whatever manner he thought fit. There were three kinds of wills; one partook of the nature of a regular contract; one was effected by calling the people together by a herald in time of peace; and the other was made in the field of battle. The trust reposed in a will was always considered a most sacred one; an unfaithful guardian might be prosecuted by any member of the community, and if found guilty of deceit, fraud or circumvention, he was declared infamous, and the secreting of the effects of his ward was considered as theft, and punished by restitution of double the value.

The descent of property belonging to persons intestate

was of a tortuous and intricate kind. Persons were called *Heirs* who were in the power of the intestate individual at the time of his death, except slaves who were not entitled to become heirs. Sons, daughters, and the widow of the deceased, were entitled to equal shares of his property; but if any of his sons had been emancipated, or died during his lifetime without having been emancipated, and leaving children born previous to such emancipation or death, then these children, with their mother, divided share and share alike, that portion of property to which their parent would have been entitled to, had he survived the death of these children's grandfather, or which they would have been entitled to if such parent had not been emancipated. Females who had married before their parent's death, were considered in law as placed beyond the power of such parent; and therefore, could not claim any of his property by succession. If a man died intestate, leaving no children, then his brothers and unmarried sisters, by the same father, claimed the inheritance, and divided it among them in equal portions; but if such an intestate left no brothers or unmarried sisters, then his property descended to his nearest relations by his father's side, and was portioned out among them share and share alike. If, for example, a man died without a will, and left a brother, and nephews, the children of a deceased brother, then the brother alive at the time of the intestate's decease, took the whole of the property, to the entire exclusion of the nephews, for this reason, because he was the nearest of kin; and the same effect took place with an unmarried sister. If a man left nephews by a sister, and nephews by a brother, the latter, in this

case, excluded the former, and took the whole inheritance, because it could not descend through a female. For a like reason, a son could not succeed to his mother's property by descent, for if she died without a will, her paternal kindred, as has been already mentioned, took the estate; neither could a mother take any in the succession of her son. When a freedman died intestate, and he had no children, his property devolved on the patron, and to his issue, no matter whether male or female. In consequence of this enactment a son manumitted, could not succeed to his father's property; yet the father could claim the son's estate should he die without a will. Vestals could neither be, nor have heirs; and in case of their dying intestate, their inheritance devolved to the state. All property by descent was to be claimed by children and kindred within a year, from the time of notice of the succession opened; and by all other persons within a hundred days; in default of the observance of these rules, the paternal relations took possession of the estate. When the heirs of any property wished to divide it, three arbitrators were appointed by the prætor, to carry this object into execution. Each party got his share, and became immediately owner of it; but the heirs were only answerable for the debts of the deceased in proportion to the amount of property received from his estate; and the legatees were exonerated from the debts.

On the subject of contracts, it is said that Servius Jullius enacted no less than fifty laws. Only one of these is now left; but it may be considered, from its comprehensive and important nature, as forming the foundation of all the rest. "Let good faith be the

basis of all contracts, and let none violate that faith." The Twelve Tables rendered every parole agreement binding; and a penalty was enforced upon those who refused to fulfil their engagements, of double the amount of the contract. If an article was confided to a person, and he fraudulently pretended loss or damage to that article, then he was adjudged to pay double its value.

The Twelve Tables regulated the interest of money. They allowed one per cent. per month, or twelve per cent. per annum. This was exorbitant, and was productive of a multitude of evils in the state. The interest was, however, subsequently reduced, and at one time entirely abolished; but this abolition did not extend beyond the precincts of Rome, and the law was evaded by the usurer placing his bond in the hands of a Latin ally, who was not bound by these *plebiscita*. Another law was enacted to remedy this abuse, by extending the abolition to the Latin allies also; but a practice was fallen on, since common in latter times, of adding the interest to the debt, and thus in some measure the regulations for the interest of money were rendered nugatory. After the successful wars of the Romans had introduced riches and luxury from the East into their states, the youth of Rome became extravagant and debauched; and to administer immediately to their indulgences, the rate of sixty per cent. was sometimes allowed on post obit bonds. It is said that at the time of Vespasian, the young men in Rome had completely anticipated the whole of their Father's possessions by means of these bonds; and that seeing the disastrous consequences to which such acts would necessarily lead, he declared, after one *senatus consultum*,

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that such bonds were illegal, and consequently swept the whole of this species of debt away.

The right of obtaining things by prescription, was acquired by one years' possession of movable, and two years' of immovable property; but no time could confer this right upon a stranger, against a free citizen of Rome. An article stolen could never become a thing of right, but to the owner; for the law expressly declared that nothing could be claimed as a right which had not been paid for. When an action was brought against a person for the recovery of property unlawfully obtained, the prætor nominated three arbitrators to investigate the matter; and if the present possessor had no claim, he was condemned to pay double the profits he had taken. But in all actions of this kind the general presumption was in favour of the actual possessor; but where claims involved the question of the liberty or slavery of parties, then the presumption was on the other side, and in favour of the person claiming his freedom.

The crime of theft was considered in a two-fold light, as an injury to private persons, and an injury to the public. The satisfaction given to the person privately injured, was of a private nature; that to the public, of a public nature. The criminal was scourged and delivered over to slavery to the person from whom he had stolen; but if the criminal were in slavery when he committed the act, he was doomed to be thrown from the Tarpeian rock. Privately, stealing was only punished by the thief paying double the amount of the article stolen.

Plutarch, in his life of Numa, records a singular institution by that King. For the purpose of uniting

the confused mass of people in Rome, and estranging them from a military life, he gave every encouragement to domestic industry, and parcelled out the conquered lands to the inhabitants, classing the various artificers into their respective trades, assigning unto each body a hall, courts, and certain religious ceremonies. What was the exact nature of these courts it is now impossible to say; but their respective customs in their trades, and their mode of conducting them, were regulated among themselves. The decemviri, with a view to their protection, enacted that whatever rules they made among themselves, should be binding upon them so far as they in nothing derogated from, or contradicted the public law. In after times we find these colleges of trade, differing in nothing from our corporate bodies; they could have common property; had a common chest and a manager or master; could manumit slaves, accept a legacy; and do every other act of a modern company. From these colleges, formed in towns, as some of them must have been for the purposes of trade, coupled with the separate laws and jurisdiction in cities, allowed to the Romans by their subsequent conquerors, the Goths, Franks, &c., we may clearly deduce the origin of our own corporate bodies, and the municipal magistracy and government of the towns upon the continent. However, in the state of Rome at the time of Numa and the decemviri, it may be contended that the legislature had no further view than to protect the little rules which artificers must always have among themselves, and which, being too minute for the interference of legislation, were wisely left to be governed by those whom alone they could affect.

We have here given the reader a general outline of the substance of the celebrated Twelve Tables of the Roman law, on which all the subsequent civil enactments were grafted. These became in the course of time so numerous as almost entirely to overshadow and hide from view the parent stock. Livy, in the days of Augustus, complained of the voluminous and burdensome code of laws under which the republic had for so many centuries groaned.

We have seen in the preceding pages, that the form of government in the Roman states was originally monarchical, but subject to considerable limitations by the senate; and the supreme power was at one time elective, and at another hereditary. From the foundation of Rome, till the expulsion of Tarquin the Proud, the Romans appear to have been only a few degrees removed above mere barbarians, and their government to be a rude assemblage of contradictory principles and usages. Rome was a city of soldiers rather than of citizens; an immense military barracks full of men ready, at a moment's warning, to enter upon any enterprise, however perilous, unjust, or cruel. When the consulate government was instituted it was found not to work well. The power of the consuls, the senate, and the patricians on the one hand, assumed the appearance of an odious oligarchical combination; while the plebeians, ever restless, and vastly susceptible of delusion, always viewed with great jealousy the possessors of political power, and were apt, on the slightest accession, to run into the wildest democratic excesses. Roman histories teem with accounts of the disastrous disputes and commotions between these two rival orders of the state. The machine of govern-

ment was never happily balanced, and the great body of the people were always the principal sufferers, in these internal contentions for political ascendancy. The Roman legislators were in a great measure ignorant of that important and healing political principle—the balance of power; which, while it limits, effectually secures individual liberty, and upholds the permanency of the most valuable civil institutions.

Some writers have eulogised, in a high tone, the Roman republican form of government; but in all its various aspects, we see it labouring under a radical imperfection. When state affairs were brought into critical emergencies, there was no managing power at the head of the nation; and the consequence of this was that the senate, under such circumstances, was obliged to invest some influential person with a supreme command over all the resources of the country. In some cases, particularly in the earlier times of the commonwealth, we find this power wisely and disinterestedly exercised; but it too often operated as a powerful incentive to private ambition and tyranny; and the liberties of the people were frequently trampled under foot by the irresponsible and absolute powers of the dictators.

The most interesting question connected with the consideration of the Roman government and laws is;—in what manner did they exercise their influence over the great body of the people? We find in Roman histories full and particular accounts as to battles, civil commotions, and political rivalships; but in what way, and in what degree the personal happiness and liberty of the people at large were affected by public measures, we are left with a very scanty portion of in-

formation. It is only from incidental hints, and casual observations, that we can see beyond the glare of martial achievements, and public victories. The historians of Rome had no taste for the common materials of every day life; they could never trace the effects of political enactments upon the wide surface of society; but the heroic in warfare, and stoical in virtue, were the only two objects which guided their pens.

But notwithstanding the paucity of any thing like systematic information as to the actual influence of public measures upon the habits of the people, we may yet gather sufficient materials to substantiate the conclusion, that that influence was not of a very gentle and beneficent cast. The internal fabric of the Roman commonwealth, presented objects of a singularly revolting and heinous description. The cruel and barbarous manner in which the Romans treated their slaves and women; the ferocity of character manifested over fallen and conquered nations; the want of principle and gratitude towards men who had stood forward as the saviours of their country in times of great perils and dangers; all go to prove that the moral powers of this wonderful nation were not of a truly refined and elevated kind. We hear indeed of what commonly goes under the denomination of heroic virtue, and an ardent desire to promote the public weal at the expense of private feelings; in the examples of Brutus publicly condemning his two sons; in the murder of Horatius by his sister; in Tarquitus passing sentence of death upon his own child; and in the assassination of Virginia by her father. But these, and similar sacrifices of private feeling for real or imaginary national benefits, we may safely attribute to moral

phrensy, which is as different from a truly noble and elevated moral feeling, as the actions of a madman are from those of a prudent and discreet person. Such Roman examples of public virtue may dazzle and allure the ignorant and unthinking multitude; but they can never become a general theme of exultation among the really wise or good of any country. And it may with justice be remarked, besides, that in the Roman character, there was very little of that kindliness of human feeling; that delicate sympathy for the wants and woes of others, which knits the heart of man to man, and which exercises such a powerful, though indirect, influence in making the social situation of mankind comparatively comfortable and pleasant, even where the laws, abstractedly considered, may be of a rugged and oppressive nature.

Human life was considered by a Roman as an object entirely destitute of interest. Hence we need not feel surprised that suicide should be found so prevalent among this people, and that it should be considered by them as a proof of superior courage and valour. All the civil institutions of the country tended to strengthen this delusive and bloody notion. The laws affecting children and slaves breathed the very spirit of domestic oppression; while at the same time, the austere speculative system of stoicism, early imported by this nation from Greece, added greatly to the natural ferocity and cruelty of the Roman disposition.

Women were considered in the Roman states as merely slaves; not as beings to humanize the temper, and smooth down the natural asperities of life, but exclusively created for the gratification of sensual appetite. But they were not so closely confined from

public view as among the Grecians. The Oppian law, however, restricted the women from riding in open carriages, and adorning themselves in certain articles of dress. Romulus and Numa invested the husband with the same unrestricted and absolute power over his wife as over his children; with these exceptions, that he could not sell her as a slave, and she possessed by virtue of her matrimonial union the nominal rights of a Roman citizen. If she had no children, she was his heir; if she had a family, she was considered as her husband's sister, and shared equally with the children. Dionysius Halicarnassus affirms that a woman could be put to death, not only for adultery, but for excess in wine. The consequences of all these brutal and inhuman enactments and usages were, that all the finer feelings of the female breast were obliterated; and that intrigue, perfidy, and dissimulation, were the prominent features in the character of the fair sex.

The laws relative to divorce must have proved a fruitful source of social bickerings and misery. Though in the early part of the history of Rome nuptial separation was scarcely known; yet, for many centuries before the time of Augustus, it became very prevalent; and was productive of the most demoralizing effects upon the heart and affections of the people. Gibbon, speaking of the facility with which the marriage contract might be dissolved, observes, "The warmest applause has been lavished on the virtue of the Romans, who abstained from the exercise of this tempting privilege above five hundred years; but the same fact evinces the unequal terms of a connection, in which the slave was unable to renounce her tyrant, and the tyrant was unwilling to relinquish his slave.

When the Roman matrons became the equal and voluntary companions of their lords, a new jurisprudence was introduced; and marriage, like other partnerships, might be dissolved by the abdication of one of the associates. In three centuries of prosperity and corruption, this principle was enlarged to frequent practice and pernicious abuse. Passions, interest, or caprice, suggested daily motives for the dissolution of marriage; a word, a sign, a message, a letter, the mandate of a freedman, declared the separation; the most tender of human connexions was degraded to a transient society of profit, or pleasure. According to various conditions of life, both sexes alternately felt the disgrace and injury; an inconstant spouse transferred her wealth to a new family, abandoning a numerous, perhaps a spurious, progeny to the parental authority and care of her late husband; a beautiful virgin might be dismissed to the world, old, indigent, and friendless; but the reluctance of the Romans, when they were pressed to marriage by Augustus, sufficiently marks, that the prevailing institutions were least favourable to the males. A specious theory is confuted by this free and perfect experiment, which demonstrates, that the liberty of divorce does not contribute to happiness and virtue. The facility of separation would destroy all mutual confidence, and inflame every trifling dispute; the minute difference between a husband and a stranger, which might so easily be removed, might still more easily be forgotten; and the matron, who can in five years submit to the embraces of eight husbands, must cease to reverence the chastity of her own person."

The public amusements of the Romans were sing-

ularly characteristic of the sternness and savageness of their tempers. They could behold with ecstasy their fellow creatures destroyed by wild beasts, or fall victims in mutual combat. We likewise witness the senators and patricians, themselves, not content with viewing such brutal and highly demoralizing exhibitions, enter the arena, eager to obtain renown even from such heart-sickening sports and pastimes. It is related of Domitian, that perceiving that a scenic representation of a man dying on the cross was a great favourite with the populace, actually caused a real criminal to be crucified on the stage, and in that state torn in pieces by wild beasts!

The chief political writer among the Romans is Cicero, and his principal speculations on the science of government are contained in his two works, *De Legibus*, and *De Republica*. The last of these writings has made its appearance in Europe only within the last thirty years, through the instrumentality of M. Maio, the librarian of the Vatican at Rome. It purports to be a fragment of the treatise in six books, written by the great orator in Asia Minor, when in the fifty fourth year of his age. Of these six books, little more than two, and these in a somewhat mutilated state, have now been presented to us. The work was discovered by the industrious research of M. Maio, written on a fragment of Palimpset, on which the commentaries of St. Augustine on the Psalms had been transcribed. The greater portion of the Palimpset perished, and with it nearly the whole of the remaining four books, which, together with the fragment now in the hands of the public, constituted the long lost work of this remarkable man, *De Republica*.

The treatise contains a series of discussions, in six books, on the origin and principles of government. It is written in the form of a dialogue; and the chief speaker is Scipio, while at the same time, Lælius, Philus, and Manilius, with others take a share in the conversation.

M. Maio, in his preface to the *De Republica*, gives a pretty full account of the high estimation in which the work was held by antiquity. It appears it must have been very widely circulated. Suetonius eulogises the political works of Cicero in a distinct book. They are likewise cited by Seneca, by the elder Pliny, Fronto, Gellius, Macrobius, Eulogius, Servius, Philargyrius, Juvenal the Scholiast, Lampridius, Nonius, Charisius, Diomedon, Victorinus, Nectarius, Jerome, Ambrosius, Boetius, Isidore, Prician, and especially by Lanctantius, and St. Augustine. M. Maio conceives that Cicero's de Republica suggested to Augustine the conception of his great work, *de Civitate Dei*. That Livy read the political speculations of Cicero cannot be doubted; and the same is surmised of Dion Cassius, Arnobius, Amianus Marcellinus, Apuleius, Cyprian, Tertullian, Aurelius, Victor Ampelius, and many others. Cicero's politics were partially known among the latter Greek philosophers. Quintilian likewise notices them.

After the seventh century, no one seems to have noticed the Republic, till we come to Pope Silvester *II.*, in the year 999. He was a man of great talents, and enthusiastic in his pursuit of literature and science. In his 87th Epistle, he requests Constantine, the schoolman, to visit him; and adds the remark, "Take care of yourself, and also of the writings of Cicero on the

Commonwealth, those against Veres, and others, which the father of Roman eloquence wrote in defence of so many of his countrymen." It would appear from this passage in the Epistles of Silvester, that the treatise on the Republic must have been extant at this time. Two centuries later, John of Salisbury gives in his *Sasesberian*, a quotation from the work, which is not in M. Maio's edition. Peter of Blois likewise states that he had read Cicero's Commonwealth. From this time to the discovery of the MS. of the Republic by M. Maio, there are only here and there in the history of general literature, incidental remarks as to the probable existence of any copies of this invaluable relic of the great Roman orator.

It is interesting to read the few observations Cicero himself has left us, respecting the composition of this remarkable work. He tells us he commenced the dissertation in his fifty-second year, and that he prepared himself for it, by studying the laws and antiquities of the Roman state, from the works in the library of Varro, the friend of Atticus. He determined to give the production the form of a dialogue, in which Scipio, Æmilianus, and Lœlius were to be the principal speakers. After mentioning some other matters, Cicero remarks, "May I be able to accomplish it; for I have undertaken a very important and difficult task, and one which demands a great deal of leisure—the very thing I am so much in need of."

He fixes his residence at Cuma, and sets himself fairly to his task, but the onerous nature of it seems to have haunted him for some time. "But," says he, "if I succeed in making what I wish, it will be labour well spent; if not I shall throw it into the sea, which

is under my eye while I write it, and I shall commence something else, for I cannot remain idle."

In another letter of Cicero to Quintus, dated, B.C. 53, he appears to have been then entirely engrossed with the Republic, and to have made considerable progress in its execution. "You ask me," says Cicero, "how I am getting on with the work which I undertook to write during my stay at Cuma. I have not relinquished it, nor do I mean to do so; but I have more than once changed my whole plan of composition, and the arrangement of my ideas. I have finished two books, in which, assuming for my epoch the nine days of feasts under the Consulate of Tuditanus and Aquilius, I introduce a dialogue between Scipio Africanus, Lœlius, Philus, Manilius, Tubero, Fannius, and Scœvola, sons-in-law of Lœlius. The conversation is altogether respecting the best form of government, and the characteristics of the true citizen, being divided into nine days and nine chapters. The construction of the work advanced propitiously, and the dignity of the personages lent weight to the discourse. But when I read these two first books at Tusculum, in the presence of Sallust, he told me it was possible to give the style still greater authority, if I spoke in my own person, not being a Heraclitus of Pontus, but a consul, and a man who had taken part in the general affairs of state; that all I attributed to personages so ancient would appear fictious; that in my own book, in which I had discussed the art of oratory, if I had with a good grace avoided introducing in *propriâ personâ* any rhetorical illustrations, I had just put them into the mouths of gentlemen, I might at least have seen; and finally, that Aristotle himself, in all he has written on govern-

ment, and on the qualities of a great man, speaks in his own name. This remark struck me the more forcibly, because, by my own plan, I had barred myself from discussing the greatest events of our country, since they came of a much later date than the ages of my personages. In truth, this was the very thing I wished from the first to avoid, lest in describing our times, I should offend our contemporaries. I desire to escape altogether this danger, and to adopt the form of a dialogue with you. However, if I come to Rome, I will send you what I first wrote; for you may well conceive that I cannot abandon those first books without some annoyance."

In the first book of the *De Republica*, Cicero enters into the question, as to the origin of society; and then discusses the respective merits of what he considers as three elementary forms of government;—Monarchy, Aristocracy, and Democracy. With respect to the first subject—the origin of society—he seems to have entertained the opinion, that communities of men arise from the powerful principle of social feeling implanted in human nature, which irresistibly, without any previous reasoning on the question, draws men into the bonds of brotherhood and unity. The author denies that the cause of the formation of societies springs from any inherent weakness or corruption of human nature; —an opinion entertained by many of the Greek politicians, but maintained that it consisted in "ejus antem prima causa ideundi est nottam imbecilitas quam naturalis quædam hominum quasi congregatio."* From the term *naturalis congregatio* we suppose Cicero means that there is a union arising from the circum-

* Lib. 1, c.

stances in which men are placed; and that society is the natural result of the fraternal principles implanted in every man's bosom.

The illustrious author does not, however, keep to this theory, but advances another. In his definition of a Commonwealth, he seems inclined to rest the origin of social institutions on the principle of utility. He says, "Est igitur inquit Africanus res publica res populi; populus antem non omnis hominum cretus multitudines juris consensû, et utilitatis communione sociatus." Here the Roman orator is again unstable in his creed; for in a few pages further on, we find him dissenting from this principle of utility, and adopting the old doctrine, that we derive our notions of what is politically right and wrong, from certain intuitive and abstract conceptions of beauty and fitness.

This unsteadiness was one of the leading peculiarities of Cicero's mind; and the parent alike of both his intellectual failures, and his excellencies as a philosophical politician. He seems to have been incapable of long continued and consecutive thought, of working out, with logical steadiness and aim, a complicated problem in human nature. His mind was not of the Grecian texture, nor framed after the lofty speculative models of Greece. He lacked abstract invention and enterprize; and his mind displayed all its innate power and acuteness only in following the suggestive hints and instructions of others. But then he was endowed with a large portion of sound common sense; and a most remarkable aptness and readiness in making the opinions of others both intelligible and interesting, either on grave, or light subjects. His knowledge of the several schools of philosophy of

Greece was both profound and extensive; but still he wanted the higher power of moulding his ideas of them into original forms, or of imparting to them a unity of arrangement and design. Whatever touches on the immediate purposes of life, he handles and portrays in the most masterly manner; and he does this chiefly because his want of the more elevated speculative originality, so fully and strikingly developed in the higher class of Grecian thinkers, preserved him from running into mystical and unfruitful trains of thought.

Cicero had a strong eclectic bias, which he evinces in his discussions in his first book on the respective merits of the three forms of government, namely;—Monarchy, Aristocracy, and Democracy. After remarking that authority must rest somewhere, he says, "When the direction of all depends on one monarch, we denominate this person a king, and this form of political government, a kingdom, or a monarchy. When it is in the power of privileged delegates, the state is said to be ruled by an aristocracy; and when the people are all in all, men call it a democracy or popular constitution. If the tie of social affection, which originally united individuals into political associations for the sake of public interest, maintains its force, each of these forms of government is, I will not say perfect, nor, in my opinion, essentially good—but tolerable and susceptible of preference. For whether it be a just and wise king, or a selection of the most eminent citizens, or even the mixed populace, (though this is the least commendable,) either may,—saving the interference of crime and cupidity—form a constitution sufficiently secure."

Cicero goes on to state that, in a monarchy the

people are kept at too great a distance from counsel and jurisdiction; in an aristocratic assemblage, the multitude do not possess their fair share of liberty; and in a democracy, although it be just and moderate, its very equality is a culpable levelling, since it allows of no gradations of dignity. He then makes the following remarks, "I have reasoned thus on the three forms of government, not looking on them in their disorganized and confused conditions, but in their proper and regular administration. These three particular forms, however, contained in themselves from the first, the faults and defects I have mentioned; but they have still more dangerous vices; for there is not one of these three forms of government, which has not a precipitous and slippery passage down to some proximate abuse. For after that king, whom I have called most admirable,—the amiable Cyrus,—we behold the barbarous Phalaris, that model of tyranny, to which the monarchical authority is easily abused by a facile and natural inclination. Alongside of the wise aristocracy of Marseilles, we might exhibit the oligarchical faction of the thirty despots, which once existed at Athens. And among the same Athenians, we can show you, that when unlimited power was cast into the hands of the people, it inflamed the fury of the multitude, and aggravated that universal licence which ruined their state."

In this position of the argument, Cicero takes another direction, and observes that "there is a fourth kind of government, therefore, which, in my opinion, is preferable to all these; it is that mixed and moderated government which is composed of the three particular forms I have just noticed. (Itaque

quartum quoddam genus republicæ maxime probandum esse sentio, quod est ex his, quæ prima dixi, moderatum et permixtum tribus.)

Cicero, however, again qualifies this choice; for when pressed to state to which form of government he gives the preference, he decidedly declares in favour of the monarchical principle, and supports his opinion by the following among other arguments.

When reason rules alone in the understanding, every passion and sentiment is kept in due order and subjection; and peace, harmony, and happiness are the natural results. Now reason here may be contemplated as a Monarch, having absolute power and authority; it preserves and maintains the unity of action in the individual mind, and guides it to appropriate and salutary conclusions. From this analogy he concludes, that monarchy would prove the best form of government, if we could only place political power in wise and efficient hands. This argument has often been insisted on in modern times; but few writers have done it more justice, for energy of thought, and beauty of illustration than Cicero has done, in this first book of his De Republica. However, the argument has little intrinsic value; for the analogical train of thought on which it rests, is but of a feeble and illogical character.

In descanting on the evils incident to democratic institutions, Cicero seems to speak with the energy and feelings of one who had witnessed them in all their devastating and revolting aspects. And it has been conjectured by recent writers on the subject, that the eloquence which he here displays, and the general tenor of his observations, might have been highly in-

strumental in paving the way for the re-establishment of the monarchy under Augustus. Cicero's eloquence can scarcely be said to be one-sided; for we find him describing a tyrant in the following words. "Simul atque enim se inflexit hic rex, in dominatum injustiorem, fit continuo tyrannus, quo, neque tætrius, neque fædius nec dis hominibusque invisius animal ullum cogitari potest: qui quanquam *figura* est *hominis*, *morum* tamen immanitate vastissimas vincit *belluas*. Quis enim hunc hominem *rite* dixerit, qui sibi cum suis civibus, qui denique cum omni hominum genere nullam juris communionem, nullam humanitatis societatem velit."

The pre-eminence and immutability of the great law of nature is forcibly insisted on by Cicero. He says, "This law cannot be abrogated in whole or in part, nor can it be in the slightest degree impaired; neither by the senate, nor by the whole people. It requires not an expositor; it is self-explanatory. It is not one thing at Rome; another at Athens; one thing now, another hereafter. It is one, eternal, and immutable; obligatory upon all, in every time and place; since God who is its author, expounder, and publisher, is the Lord of all. Whoever, therefore, violates this law, offends against himself, and is a contemner of human nature. He shall be amenable to severe penalties, though he should evade that which is usually denominated punishment."*

The second book of the De Republica is devoted to showing, that the Roman government is that to which, being composed of the three different forms of policy he has enumerated, he had been led, after careful con-

* De Republica, lib. 3.

sideration to give the preference. He here, however, only deals in common-place statements of the history of the Roman republic, from the days of Romulus downwards. He thinks the facts and observations he offers are sufficiently numerous and cogent as to entitle him to conclude, that the Roman constitution, taken as a whole, was the most perfect form of government. It is true that at the period of history in which the scene is laid, the evils of a constitution, composed of such ill-balanced materials, were not so evident as they afterwards became. Scipio Africanus himself, the chief interlocutor, had been, as we are told by Plutarch, actively engaged in opposing the sedition of the Grachi; and this certainly was sufficient to render him a proper medium for the expression of those sentiments, which, tending to enlighten the minds of his contemporaries on the real nature of their constitution, would, perhaps, have effectually promoted the grand and professed object of Cicero's instruction—restraint, and reformation. His judgment was, perhaps, in this instance blinded by the excess of his patriotism, and weakened by the want of that habit of philosophical investigation into historical subjects, of which the Romans generally were lamentably defective.

In the third book, we see that Cicero, in point of methodical arrangement, is greatly inferior to the object of his emulation—Plato. The latter prefixed to his political work, the discussion respecting the abstract question of justice; Cicero, on the contrary, with great apparent impropriety, has interwoven such a discussion into the body of his work, and made it the subject of investigation in this book. The whole of it has, however, nearly perished. This is the more

to be regretted, since, we have every reason to conclude, it would have contained many important principles, which, uttered by the voice of antiquity, would have compelled attention from those who are wont to despise the unclassical truths of modern political philosophy, and to forget, in their excessive veneration for former days, how much the influence of such a prejudice may retard the intellectual progress of mankind. But while we notice the imperfections in reference to the matter of the fragment which we have now been considering, let us never forget that excellence is relative, and that so, in order to be just, must be our judgment also.

The general summary of the contents of this book is given by the celebrated St. Augustine, in his *de Civitate Dei*, and we shall give it insertion here, for the sake of the commentator, who seems to have paid great attention to the whole of Cicero's political speculations.

"In the third book of Cicero's Commonwealth, (says St. Augustine) the question of political justice is most earnestly discussed. Philus is appointed to support, as well as he can, the sophistical arguments of those who think that political government cannot be carried on without the aid of injustice and chicanery. He denies holding any such opinion himself, yet in order to exhibit the truth more vividly through the force of contrast, he pleads with the utmost ingenuity the cause of injustice against justice; and endeavours to show by plausible examples and specious dialectics, that injustice is as useful to a statesman as justice would be injurious. Then Lœlius, at the general request, takes up the plea for justice, and maintains

with all his eloquence that nothing would be so ruinous to states as injustice and dishonesty, and that without a supreme justice, no political government could expect a long duration. This point being sufficiently proved, Scipio returns to the principal discussion. He reproduces and enforces the short definition that he had given of a Commonwealth, that it consisted in the welfare of the entire people, by which word "people" he does not mean the mob, but the community—bound together by the sense of common rights and mutual benefits. He notices how important such just definitions are in all debates whatever, and draws this conclusion from the preceding arguments, that the Commonwealth is the common welfare, whenever it is swayed with justice and wisdom, whether it be subordinated to a king, an aristocracy, or a democracy. But if the king be unjust, and so becomes a tyrant, and the aristocracy unjust, which makes them a faction, or the democrats unjust, and so degenerate into Revolutionists and Destructives—then not only the Commonwealth is corrupted, but in fact annihilated. For it can be no longer the common welfare, when a tyrant or a faction abuse it; and the people itself is no longer the people when it becomes unjust, since it is no longer a community associated by a sense of right and utility, according to the definition."*

The fourth book of the republic, contains but a few pages, and these treat of morals and education. The few fragmentary paragraphs we possess, are calculated to make us regret the passages lost.

The fifth book likewise only contains a few detached remarks. They are confined to the duties of magistrates, and to the importance of practical experience

* Civitate Dec. 3. 21.

to all who undertake the weighty responsibilities of government.

The sixth book is a little longer than the two preceding ones, and the matter of it is interesting to the political philosopher and philanthropist. Cicero labours to show that patriotic statesmen will not only be rewarded on earth by the approval of a good conscience, and the applause of virtuous and noble-minded citizens, but that they may reasonably look forward to a state of immortal glory in new forms of being. To illustrate this, he introduces the "*Dream of Scipio*," in which he unfolds the cheering and sublime doctrines of Plato, respecting the immortality of the soul. This has been considered one of the most beautiful of the author's compositions.

The treatise *De Legibus* was written by Cicero two years later than his Republica. We have only the first part of the subject in the books which have come down to our time. In examining into the foundation of all law, he falls back upon the idea of a *Great First Cause;* and conceives that the notion of obligation, duty, and justice, involved in all the forms of legislation, proceeds from *Reason*—the Eternal mind—the Divine Energy. It is by virtue of this great power that men are brought into juxta-position with the gods; and that the intimate resemblance between reason and virtue is established. He then descants on the authority of conscience, the imperfections incident to all human laws, the influence of the moral sense of mankind, and the disinterested feelings of virtuous emotion which dwell more or less in every human breast. These are all matters which enter largely into every species of political and social philosophy. He

next treats of the principles of ecclesiastical law, under the heads of divine worship, the observance of festivals and games, the offices of the Priests, Augurs, and Heralds, and of the punishments due to sacrilege and perjury. The consecration of lands, and the rights of sepulture are likewise treated of. The author then enters on the civil law, and defines the duties of magistrates and citizens.

Some politicians of the present day, though generally perhaps well-informed on their favourite pursuits, may be surprised to find that Cicero, two thousand years ago, discussed the question of secret and open voting. In this work *de Legibus*, he says, "The next legal maxim treats of *suffrages and votes, which, as I have said, should be notorious to the nobles, and free to the people*, (nota optimatibus, populo libera). * * * "The question is, whether in case of suffrages at the election of magistrates, the formation of laws, or in the judgment of criminals, the votes should be given by poll, or secretly by ballot." It is evident that Cicero considered this an important question, on which much might be said on both sides. He says, "It is only under the authority of the nobles, which good men will obey, that the right of voting is conceded to the people. For these are the very words of my law respecting elections. *Let the votes be notorious to the nobles, and free to the people;* a legal maxim which contains this doctrine, that all laws should be abrogated which have been so contrived *as in any way to mask or hide a suffrage;* such as those which hinder full inspection of any ballot, or examination and appeal thereon." * * * * "If the laws indeed could but hinder intrigues, then the people might be allowed

the ballot as a vindicator of liberty, provided it were so laid open and freely exposed to all honourable and worthy citizens, that their authority might be blended with this popular privilege, thus leaving the people the power of expressing their deference for the aristocracy." Then says he, in his oration for Plaucius, "the ballot becomes agreeable and pleasant, for it opens men's countenances and conceals their thoughts, and gives them liberty to do what they please."

Cicero, as a political writer, has been the object of no small portion of criticism by modern writers, who have passed various judgments on his productions. "As a statesman," says one author, "and citizen, Cicero cannot command our respect. He did good service to his country by the suppression of Cataline's conspiracy; but this was almost the only occasion on which he showed vigour and decision of character. His own letters condemn him. In them his inordinate vanity, pusillanimity, and political tergiversation appear in the clearest light."* Niebuhr entertains a more favourable opinion of him as a politician. "He was not a man of weak character. When ever there was need of it, he showed the greatest firmness and resolution. What makes him appear weak is his sensitive nature; a thing which he thought an indignity *(indignum)* completely annihilated him. His pure mind was above all baseness; and it was only the consequence of his noble ambition that he wished to shine himself in the most brilliant light."†

"Soon after the death of Clodius," says Dr. Middleton, "Cicero seems to have written his treatise on

* Smith's Classical Dict.

† Letters on Modern Hist.; 1849.

laws; after the example of Plato, whom of all writers he most loved to imitate. For as Plato, after he had written on government in general, drew up a body of laws adapted to that particular form of it which he had been delineating, so Cicero chose to deliver his political sentiments in the same method, not by translating Plato, but imitating his manner in the explication of them. This work being designed, then, as a supplement, or second volume to his other, upon the Commonwealth, was distributed probably as the other was, into six books, for we meet with some quotations among the ancients from the fourth and fifth, though there are but three now remaining, and these in some places imperfect. In the first of these he lays open the origin of laws, and the source of obligations which he derives from the universal nature of things, or, as he explains it, from the consummate reason and will of the supreme Being. In the other two books, he gives a body of laws, conformable to his own plan and idea of a well-ordered state. First, those which relate to religion and the worship of the gods. Secondly, those which prescribe the duties and powers of the several magistrates, from which the peculiar form of each government is denominated. These laws are generally taken from the old constitution or custom of Rome, with some little variation and temperament, contrived to obviate the disorders to which that Commonwealth was liable, and to give a stronger turn towards the aristocratic side. In the other books which are lost, he tells us, of the particular rights and privileges of the Roman people."*

Granting that our political and moral philosophy is

* Life of Cicero.

greatly superior to that current in Cicero's day, yet let it be remembered that we have been considerably benefitted by the inheritance which both himself and Plato, his teacher, have left us. Those indeed who can at all estimate how much more difficult it is to create than improve, and in any way appreciate how much society generally, and themselves individually, owe to the valuable relics of antiquity, will never with an impious hand endeavour to strip from the brows of its sages those laurels with which, by the consent of ages, they have so justly been crowned. But, while energy of thought and vigour of impression, propriety of language and harmony of style; while simplicity and elegance, ease and sublimity combined, shall continue to be held excellencies of composition; while a perception of the beautiful is not extravagance, nor a veneration of our forefathers a puerile weakness, so long will the classical authors be read and venerated, and so long will the treatises de Republica and de Legibus be admired and esteemed.

We have little more to add to this chapter on Roman Political literature. Cicero is the great luminary in this hemisphere, that dims the lustre of all others. We meet with very little indeed, of a purely abstract or theoretical character, having a direct reference to general state polity, among the other writings and speculations of the Roman authors.

The necessity for, and the end of government, are thus alluded to by Seneca. In speaking of ingratitude, he observes, "That nothing disturbs so much, the concord and union of mankind, as this vice; for on what does our safety depend, if not on the mutual services we render to each other? Certainly, it is

this commerce of benefits, which alone renders life commodious, and puts us in a condition to defend ourselves against unforeseen insults and assaults. What would be the condition of mankind, if each individual lived alone! As many of the species as led this solitary life, so many bodies or victims would be prepared for other animals—a sacrifice easy to be made—in a word—weakness itself."

"In fact, all other animals have strength sufficient for their defence. Those, that are quite savage, and whose ferocity will not permit them to herd together in troops, are born, as we may say, completely armed; whereas, MAN is, on every side, surrounded with weakness—having neither nails nor teeth to render him formidable—but these succours, of which he is destitute by nature, he finds in society with his equals. Nature, to indemnify him, has given him two things, which, weak and miserable as he would have been without them, render him very strong and very powerful. I mean REASON, and SOCIABILITY;—so that he who, alone, could not resist any one, becomes by this union, master of all. Society gives him dominion over all other animals, not excepting even those of the sea, which are produced and live in another element. It is the social disposition which stops the ravages of diseases—furnishes succours to old age—assuages our griefs—gives us a claim to implore the assistance of others, against the accidents of fortune; and inspires us with courage to support them. Take away sociability, and you will destroy the union of mankind—on which depends—the preservation and happiness of life."

A good deal of interesting and useful information,

on political science generally, may be gleaned from a perusal of the Roman historians. We are sometimes better able to trace the progress of public opinion on general state matters and principles of government, from following the details of the historian, than in consulting more regular and systematic treatises. Sallust, in his histories of the Catiline conspiracies, and Jugurthine war, abounds with many statements and observations on politics, and social economy. The *History of Rome*, by Livy is interesting, though political matters are here treated of from a historical and not a scientific point of view. Cæsar and Tacitus, are likewise useful and interesting authors.

CHAPTER V.

THE POLITICAL LITERATURE OF THE CHRISTIAN FATHERS OF THE CHURCH.

THERE is no branch of human knowledge so rich to the philosophic thinker, as that which embraces the laws which regulate and control the different aspects and phases of public opinion, on great political principles and truths. The materials on which the mind has to operate are scattered in such apparent and hopeless confusion, that they seem to bid defiance to any mental effort made to reduce them to a manageable or useful end. It is much easier for the natural philosopher to develope the history of the earth's formation in the rocky strata, and classify the various orders of animated nature, or for the astronomer to reduce the motions of the heavenly orbs to the laws of celestial mechanics, than to trace out those events and circumstances in human affairs, which have guided the successive generations of men to the unity of truth, and the consolidation of opinion. Though the difficulty be unquestionably great in the way of the philosophical politician and legislator, it is not, however, insurmountable. Boundless as the fertility of mind is, it is still kept within a visible horizon.

The primary powers and affinities of mind, the homogeneous character of intellectual instruction, and those powerful impulses of human feeling which heave the breasts of social communities, all point to general results, and conspire to guide the thinking understanding in treasuring up the records of past experience, and to make them subservient to its further instruction and progress. Men are directed, as it were, by the unerring power of instinct to mark the ascending and returning wave of general tendencies. They view from age to age the kindred movements, sentiments, and opinions of political communities; and here, as in other departments of nature, there are certain archetypal forms, and elementary influences, which constitute the necessary and prescribed conditions on which the speculative reason can employ itself. This same law is manifested in every other kind of literature, as well as in political. There is the same archetypal stamp on the Epic and Dramatic genius of every age and country; the same relationship between the philosophy of India and that of ancient Greece; and the disquisitions of Plato, and the mystical vagaries of the Alexandrian School, find their counterparts in the speculations of modern times. The philosopher is like the enterprising mariner, ploughing the ocean in quest of new regions, whose utmost and final efforts must, however, be confined to the narrow globe he is circumnavigating.

But limited as the range of political literature undoubtedly is, it occupies an arena sufficiently wide to puzzle, at first sight, the most ardent enquirer. The mass of materials presented to the judgment, in any given period of history, is so vast, that to seize

upon scientific unity, and separate it from mere historical detail, is no ordinary mental achievement. The primary and essential are borne down by the pressure of the temporary and unimportant; and to gain the former we are compelled to labour long and hard at clearing away the latter.

At no period of the history of the world, were there more antagonistic influences in full activity in European society, than for several centuries after the Christian era. These were seasons of great and radical transition. Christian polity was weak and feeble in these its early manifestations; it had not yet assumed a self-conscious intelligence and action. It hung over the nations like a faint and nebulous cloud. And as it gained more firmness and strength, it was irresistibly drawn into external conflict with political cruelty, profound ignorance, and immoralities of the deepest turpitude. Christianity had likewise to establish itself as a spiritual agency, before its social and political principles could be fairly brought before the minds of men; but when this, its chief mission, was in some measure executed, these principles began to mingle more freely with public opinion, and to form part of the current of mental thought, and private and public education. Slow, however, was the progress of planting, in the mind of the world, the seeds of a new science, and tardy, likewise, was the germination of these seeds into full life and vigour. They were only scattered here and there, as it were by stealth, by the hands of the sowers; and mankind benefitted only irregularly and partially from the fruits of the harvest.

There was a great falling off in those displays characteristic of early times, of Roman patriotism and

love of freedom, from the commencement of the long peace, luxury, and prosperity, under the Antonines, till about the year 180. Political sentiment and feeling lay prostrate under an insuperable apathy. The people sank from one stage of degeneration and indifference to another, till every vestige of public spirit was obliterated from their hearts and understandings. Such a state of torpor was more inimical to human improvement than positive barbarity. Longinus, represents the genius and public spirit of the citizens in the following century, as cramped and contracted; their minds becoming like the limbs of children which have been confined by bandages. Even the profession of arms fell from its high estate; and the strength of the Roman army lay in the sinews of its foreign mercenaries.*

It was this condition of the Roman people which greatly accelerated their downfall before the bold and energetic hordes of barbarians. The progress of their attacks on the power of Rome, was nearly as follows. The Gothic tribes were the most distinguished of those invaders, and occupied that portion of country which lay nearest, in a direct line, to the capital of the empire. In the reign of Aurelian, (270—275) the province of Decia was relinquished to them, and the river Danube constituted their northern boundary. A century after their settlement, those Goths were in turn invaded by the Huns, who have been commonly supposed to be tribes of wandering marauders from the distant parts of the Chinese empire. The eastern section of the Gothic tribes, called Astrogoths were

* Longinus, de Sublim: cop. 43; Schmidt, Hist.: des Allemand's, tom 1 p. 300; Gibbon, Dicline and Fall, vol 1.

conquered by the Huns; and the western, or Visigoths obtained permission from the Emperor Valens, in 376, to form a settlement on the southern banks of the Danube. This was called Mœsia; and it was from hence that the famous Alaric, two years afterwards proceeded, and entered and plundered the city of Rome itself. But, about the year 412, these conquering tribes were induced to retire into Gaul, where they occupied the southern provinces;—then the most important and fertile part of the country. The following year the Burgundians, who had settled on the banks of the Rhine for fifty years, entered the eastern provinces of Italy. The dominion of the Goths was also extended over the provinces of Spain, and the Vandals abandoned them for the Roman settlements in Africa. In the year 453, the Astrogoths, in attempting to recover their independence, received from the Roman Empire a grant of the country of Pannonia. This is described by the Gothic writers as a rich and populous region, containing many large cities, and its inhabitants displaying considerable refinements, intelligence, and public spirit.

After the first century of the establishment of these several German tribes on an exterior province of the Roman Empire, it so happened that another portion of the same people, who had taken possession of the southern districts of Gaul and Spain, were brought into closer alliance and friendship with them. This intercourse subsisted for upwards of thirty years; during which time they had acquired some degree of knowledge, and made some advances in the arts and refinements of social life.

In the meanwhile, however, considerable movements

were made by other numerous bodies of wanderers, on different parts of Europe,—the Franks in Gaul, and the Saxons in Britain. These hordes were strangers to religion, and to the social comforts of civilized life; though in after ages they were destined to maintain a conspicuous station in the history of our race. The more northern countries of the European continent, Germany, Denmark, and Sweden, lay beyond the direct authority and influence of the Roman Empire. The tribes of these kingdoms had to receive, therefore, the benefits of Roman civilization at a more late period of modern history.

Among all those tribes who took an active share in the dismemberment of the Roman Empire, there were found certain qualities of mind, and habits of social life, which were favourable to the cause of European civilization which subsequent ages developed. There was a bold and manly spirit of independence, which produced a marked and beneficial influence on the established system of Roman society and manners. The spirit of freedom was again heard among men; and forms of polity, and principles of social government, took their rise from these barbarous communities, which have proved of inestimable value to the human race.

These several barbarian movements on the south of Europe, and upon the heart of the Roman Empire particularly, formed an important element in the progress of the subsequent civilization of mankind. New and distinct political societies were organized, and the active and binding principle which kept them together, and maintained their healthy and vigorous action, was unquestionably a theological one. The prelatical es-

tablishments spread over the entire portion of country into which these savage hordes had entered, soon began to manifest their power over the minds and social habits of the invaders. They were insensibly brought under christian unity; and became attached to its outward political manifestations, by the cogent ties of interest, opinion, and example. As time rolled on, these religious ligaments were multiplied and strengthened; and by these means political and domestic improvement was more rapidly and steadily accelerated, than if matters had been left to the naked influence of the ordinary motives and stimulants to national advancements.

The principles of human action, and the sources of pleasure and happiness, being no longer now viewed through the delusive medium of myths and fables, a more steady aim was given to human thought and conduct, and the great principles of progressive improvement became distinctly, though faintly, shadowed forth. The Scriptures were one immense and powerful *organum*, by which man might test every form of human society, and every feature of social government. There was nothing too comprehensive or minute for their grasp. They abounded with facts, axioms, recommendations, declarations, and prophecies, such as had never fallen on the ears of mankind before, for the guidance of governors, as well as the governed. Every variable and shifting scene of human life was invested with political interest, and moral responsibility. Man, as a social agent, became accountable for duties of the highest obligation, and made answerable for consequences of the most momentous character. In all his chequered course he was reminded that this world

was not his final resting place; but that a higher tribunal would sit in government on his political, as well as upon his other deeds; and that justice, truth, and mercy, were the grand principles which should at all times regulate the conduct of one man to another, in his social and political intercourse.

The more that christianity was considered as a political *organum*, the more important and vital did its probable results on human society appear. It grew upon the mind the more it was studied and analyzed. It was not only vast and indefinable in extent, but there appeared no standard by which to measure its benefits, save by creative omnipotence itself. There was a dominant sense of power which conveyed something almost oppressive and awful in its comprehensiveness and dignity. When viewed as a totality, it overpowered and subdued the highest minds which contemplated it.

In many of the first centuries after the introduction of Christianity by the Apostles, political literature ran parallel with its interests, and external fortunes. The Bible brought along with it political science under a new aspect, and invested it with stirring interest. We find it reared like a young and tender plant, by the vigilance and solicitude of the Fathers of the Church. They were for many ages the great political writers and disputers of their day. They had to struggle for existence and supremacy by developing the political element, and making it a necessary, and conspicuous object, in their warfare with the constitutional powers of the world. They showed that their Divine mission was fraught with good to mankind in their social capacity; that it carried with it

the seeds of human regeneration; and that the more it became reverenced and reduced to practice, the more unerring and secure would be the path to political grandeur and happiness. Knowledge was here power of the most unquestionable and improving kind. And hence, in their several writings, they discuss the varied principles of political science, and enforce its obligations and advantages on the attention of both Kings and their subjects.

For many centuries after the introduction of the christian system, we find scarcely any fragments of literature of a political complexion, save what are furnished by the writers of the Church. The chief reason for this is, that the agents of this benign and enlightened system, found a regularly established government, in full and active operation, when they had to solicit the attention of mankind, to their particular doctrines and social theories. The minds of men were already stored with a full complement of ideas or notions on the nature of government; the efficiency and importance of which were displayed in the every day exhibitions of life and manners among the mass of the people. There was no open or clear stage for the politics of the Bible on their early promulgation. The mind and heart had to be slowly and stealthily approached, and gradually moulded to recognise and appreciate the very first principles of the christian code. A tardiness of progress, and an imperfect and partial development of these principles, were the necessary consequences of this state of things. An immense mass of false philosophy, pagan barbarities, and savage ignorance, stood in the way of political intelligence and improvement, in every department of

governmental policy. False theories, rooted prejudices, inflamed passions, and a degraded moral sense, were rampant in every direction among the heterogeneous masses which encompassed the Roman civilization; forming, in fact, an incongruous assemblage of elements, which threatened an entire destruction of the highest hopes of the human race. One of the consequences of this was, that the political literature of the early Fathers of the Church was more of an indirect than direct character. They do not appear as decided theoretical politicians; this was not their office or calling. Their social and religious position excluded them from taking upon themselves a duty of this nature. But being men of high intellect and attainments—the ruling spirits of their respective ages—they could not fail to perceive, what was the general scope and important bearings of the system of revealed truth they had to enforce on the understandings of men, and what an intimate and necessary relation subsisted between the spiritual and temporal interests of mankind. They dealt with the great truths of Christian polity in an incidental and isolated manner; while they failed not to develope their ideas on the evils arising from such particular departments of social philosophy and jurisprudence, which might at the time, be running counter to the true interests and happiness of the community at large. They were, in fact, great, but only bit by bit reformers. They distinctly perceived the grand principles which should regulate society, in its leading movements and aspirations; but they were not adequate to the complete grasping of them as a whole, and to the moulding of them into a perfect and logical system. The materials

on which a theoretical politician could erect any scheme of national polity, were not then, in fact, in existence. They had still to be created by the successful and full development of the social and religious elements of revelation. The soil was rich and fertile, but as yet overrun with weeds and brambles. The Fathers acted, therefore, in the only sphere they could possibly act;—that of attempting to put down particular and isolated evils, which manifested their baneful influence, at certain periods, and in certain localities of their respective countries.

The history of the political philosophy of the Scriptures, presents, therefore, in its earlier stages, in particular, many of the phases which belong to these writings, in their strictly religious character. We find truth and falsehood, wisdom and folly, good and evil, blended together in certain proportions. And this is just what characterises our own day. The political writings of the Fathers are marked by every variety of mental power and intelligence. We see in one direction, a strong disposition to systematise and speculate on the fundamental maxims of society; and, in another quarter, we meet with inquiries and discussions on matters of a purely practical and every day cast. Here we have comprehensive theories of government, and there questions of political economy; both, perhaps, running into the visionary and crotchety. Still, however, we recognise in every epoch of history, a positive increase of knowledge, and a consequent elevation of the human mind, on matters connected with the aggregate interests of the human race.

As a proof of this, we find among all the active and

stirring minds of the early church, discussions on many questions, on which politicians of the present hour, in every part of Europe, are very much divided; and such as do not essentially embrace, in their ordinary application, the theoretical principles of governments. Such questions as relate to the rights of the poor, hospitality to strangers, forestalling, and usury, are among those which received considerable attention, as they were considered intimately connected with the peace and welfare of the community, and as likewise involving many of the vital precepts of the christian code. Discussions on these questions gave rise, in the course of time, to legislative enactments, and social customs, which for centuries, were stamped upon the institutions of every country in Europe, and which, even at the present hour, may be seen affecting the interests of many numerous and powerful communities, who have been placed more directly under the influence and government of the church.

Hospitality to strangers partook, in the early ages of the church, of the nature of a political duty. And opinions ran so high on this point, that in some of the early codes, it was ordained that "the movables of an inhospitable person should be confiscated and his house burnt." Justin Martyr, in the third century, particularly enjoins that collections be made for the poor after Divine Service; and adds, "lastly the collections are deposited with the priest to succour the widows, the fatherless, the sick, prisoners, stangers, and the poor; for the chief priest, is the *Curator* of the poor."* Origen says, "It behoveth us to be discreet and faithful in our distribution of ecclesiastical goods.

* Apol. ad Aud; Cæsar.

For it is not sufficient for us simply to give away the goods of the church, so as to keep ourselves clear from devouring or stealing of them; but we must wisely *consider every man's necessity.*" The same doctrine and sentiments, may be found in the writings of St. Augustine, St. Ambrose, St. Bernard, St. Gregory, and others.

We have many detached writings or Essays of the early Fathers on *Usury.* It seems to have been severely and generally denounced, as a thing inimical to the true interests of the state, as well as carrying with it a decidedly moral taint of a personal character. St. Basil, the Great, says, "It is the highest degree of inhumanity to charge the man who applies for a loan, in order to support wretched existence, any more than the principal, or to calculate on riches from pinching poverty." * * * "Give him the money idly dormant at home, embarrassing him with no interest." St. Clement, of Alexandria, says, "The law forbids lending to our brother at usury. It is unlawful to charge usury for the money which ought to be extended with open hearts and hands towards the needy, in imitation of God's free bounty to us." St. Chrysostom. in his 5th Homily, says; "Nothing exceeds in barbarity the modern system of usury; indeed, these usurers traffic on other people's misfortunes, seeking gain through their adversity; under the pretence of compassion, they dig for the distressed a pit of misery; under the appearance of giving aid, they grind the indigent." St. Augustine observes, "I would not have you become usurers, because it is a profession repugnant to the law of God. If you lend your money to a man from *whom you expect more than*

you gave, not in money alone, but if you expect more than you gave, whether it be wine, oil, or any other article, you become a usurer, and therefore reprehensible." St. Leo, says, "Usury, under every view, is always bad. The usurer is miserable, if by any reverses he lose the principal, and miserable if he get what he never gave; his iniquity is to be avoided, and his gain divested, as it is, of every semblance of charity, to be abhorred. The unjust gainer by loans is an exile from the sacred mountain, and from the heavenly tabernacle." St. Hilary, remarks, "If you be a christian, why do you set your barren money to fructify? or calculate on riches through the distresses of your brother, for whom Christ has suffered? If you be a christian, I do not ask you to forgive; at least, demand the debt in a manner that will not beggar him." St. Gregory, of Nyssa, in the Paris edition of his works, 1616, says, "The prophet explodes and eradicates from society the poisonous branch of usury. Whosoever you be, hold in detestation usurious dealings; love your neighbour, but not your money; bid farewell to redundant riches and to usury; excite the love of the poor in your souls." * * * "The usurer relieves not, but embarasses the needy. The usurer's life is both indolent and insatiable; the pen is his plough; the paper his field; the ink, his seed, his rain, and season, for to luxuriate his money crops. He has barns and granaries to hoard up, and thrash the poverty of the wretched; looks upon all men's property as his own; prays for adversity to his neighbours, that they may have recourse to his refuge; he hates the affluent, and considers those his enemies that will not enter his books." St. Ambrose de-

nounces usury in the following words:—"You lend money, and demand land and personal security; you receive diamonds and plate in pledge, and yet you call him your debtor, who has intrusted you more than he had received from you. Nothing surpasses the wickedness of usurers; they look on their neighbour's adversity as their own gain; on their prosperity as their own loss. God is witness of the usurer's iniquity, and of the borrower's misery." St. Jerome says, "Some people think that usury is only sinful when received in money; this was foreseen by the sacred writer; it was on this account that he proscribed *increase*, so that you cannot receive more than you gave." Lactantius in his *Divina Institutione*, observes, "Pious persons take no *increase* for their loan, for a double motive—to secure their merit without alloy, and to retain their hands unpolluted with another man's property. To take more than has been lent is unjust." Tertullian, in his work against Mercion, says, "If you lend to those from whom you expect to borrow, what merit will you have? The increase is usury, which is a hateful and injurious thing both to individuals, and to the state."

These individual opinions on the nature of usury, considered in its political bearings, were embodied in the Canons of the Church; and had the force and authority of law in many countries of Europe for more than a thousand years.*

Many of the Fathers of the Church inveighed against the office or profession of a general merchant, as they thought his occupation was tainted by usury, and

* See Canons, Gratian, Dist: 47, chap. 1, 2, 3, 4, 5, 6, 7, 8. Decretals of Greg: lib. 5, tit. 19. Sexti Decretal, lib. 5, tit. 5, cap. 1, 2. Clemantinarum, lib. 5, tit 5. Septini Decretal, lib. 3, tit. 17, chap 3.

fraud. They considered him as the prime instrument for what they called forestalling or monopoly. They endeavoured to define a merchant so as to separate him from what is commonly denominated a manufacturer. In fact, it was simply against what we, in modern times, call *middle men*, that the Fathers directed their censure and reproach. St. Chrysostom, at Constantinople, in the year 400, says, "I shall show you who is a Merchant, that you may understand that the man who shall not be of this character, is not a Merchant. Whosoever procures an article not to sell the very same thing entire and unaltered, but that it may be unto him a material for some workmanship, he is not a Merchant. But whosoever, procures a thing, in order that he may gain profit by disposing of the very thing entire, and unaltered, he is a Merchant. And the man who procures an article to make profit by disposing of the very thing entire and unaltered, he is the Merchant who is ejected from the temple of God. Some may say, "The man who lets his land for rent, or a house for a pension, is he not in the same state with the man who gives money at usury? He is not; first, because money is not laid out for any other use, but for buying; secondly, because a man possessing land, gains fruits by tilling it; having a house, he gets the benefit of dwelling in it. Therefore the man who lets ground, or a house, seems to cede his own advantage, and to receive money, and to commute somehow profit for profit. You get no utility from money hoarded up; thirdly, a farm or a house wears in the use; but money when exchanged is neither diminished nor worn." The same opinions are expressed

by St. Augustine, St. Leo, and by the Council of Nice, in the year 325.

In the writings of the Fathers we have likewise their opinions on the nature of Slavery, Marriage, the authority of Parents over their Children, Divorce, and on the condition of the Female sex generally. On all these topics much valuable and interesting information is to be found scattered up and down, in the controversial and doctrinal disquisitions of these ancient writers.*

The same anxiety was manifested by the Fathers in their general teachings, to enforce all the duties, amenities, and charities of life, as is here displayed against cruelty, extortion, and chicanery of every kind. The conviction was ever present to their minds, that scripture doctrine and philosophy were the most infallible means of supporting, and promoting the welfare of a state. St. Clement, in his epistle to the Corinthians writes thus—"Who that has ever been among you has not experienced the firmness of your faith, and its fruitfulness in all good works. For ye walked according to the laws of God, being subject to those who had to rule over you—and giving the honour that was fitting to the aged. Ye commanded the young men to think those things that were modest and grave; the women ye exhorted to do all things with a pure conscience, loving their own husbands, and ordering their houses with discretion. All of you were humble

* To those who feel any particular interest on these matters, I beg to refer them to a work of mine, entitled "The Temporal Benefits of Christianity," London, 1849, which contains several remarks and statements, as to the influence of the Christian principles, over laws relating to many important questions of general polity. On the nature of slavery, as viewed by the Church, see Note A, at the end of this volume.

minded, desiring rather to give than receive, being content with the portion God hath dispensed to you. Ye were sincere and without offence to each other, not mindful of injuries; ye were kind to one another, without grudging, being ready to every good work; and being adorned with a conversation altogether virtuous and religious, ye did all things in the fear of God, whose commandments were written on the tables of your hearts."

Justin Martyr, in his first apology says, "From being impure they had become temperate; from being wedded to the world and its possessions they had become benevolent, and ready to relieve the wants of their brethren; instead of living at enmity with those who were not of their own tribe, they considered themselves as united to all human beings; they prayed for their enemies, and endeavoured to prevail with those who displayed the most inveterate antipathy to them, to consult their own happiness by obeying the precepts and cherishing the blessed hopes of the Gospel." * * * * The apology of Athenagoras presented to the Emperor Marcus Aurelius, contains these words—"Amongst us you will find private individuals, mechanics, and old women, unable, indeed, by words, to show the utility of our doctrine, but demonstrating it by their actions." * * * * "Would we live thus pure and innocent unless we believed that God governs the world? It is because we have this belief that we lead so moderate and benevolent lives."

Tertullian says—"We who are branded as sacrilegious, were never detected in theft or in sacrilege; we disown no pledge that has been intrusted to us; we invade no man's domestic honour; we educate our

children in piety; we refresh the indigent, and return to no man evil for evil." Origen, in his work against Celsus, says—"Who must not acknowledge that the worst part of our assemblies are far better than the usual assemblies of mankind?"

Lactantius in the fourth century in discoursing on the licentiousness and depravity of the heathen, contrasts the conduct of the latter with the high moral state of believers in Christianity. "Which of those things," says he, "can be objected to our people, whose whole religion is to live without spot and blemish; whence they might easily gather the information, had they any understanding, that piety is on our side, and that they themselves are vile and impious." Arnobius, who lived about the same period, observes, "What religion can be truer, more useful, powerful, just, than this,—which renders men meek, speakers of truth, modest, chaste, charitable, kind, and helpful to all, as if most nearly related to us?"

Eusebius, after alluding to the malignant imputations which were so early attempted to be fixed upon the followers of Christ, thus details the manner in which they were confuted.—"But the Catholic Church, which alone is true and consistent, became daily conspicuous, in the eyes of gentiles and barbarians, for gravity, sincerity, modesty, and the purity of a divine rule of life, and philosophy,—so that even to our times no one dares to fix upon it such a stain or calumny as its ancient enemies were accustomed to direct against it." In the oration of Constantine, the emperor is introduced as thus speaking:—"Compare our religion with your rites. Is there not amongst us a true concord, and a perpetual philanthropy, such a reproof of what

is wrong as may lead to amendment, such discipline as may save and not wound? Is there not amongst us sincere faith, first towards God, and then towards men, as joined in the natural bonds of society? Are we not compassionate to those who are pressed down by misfortune? and is not our life simple, and open, hiding secret wickedness with no veil of hypocrisy?"

Leaving these, and similar matters of social polity, which the fathers were wont to discuss, we may now refer to those more enlarged and comprehensive views they took of political science generally. Here they displayed great wisdom and penetration. They analyzed the complex machinery of the state into its original and simple elements; they looked at the various and discordant phases of society, through the medium of the human heart, feelings, and sentiments; and showed that man, in his political capacity, was necessarily but an imperfect and short-sighted creature; yet a creature, nevertheless, susceptible of progressive and steady improvement. They stoutly and courageously attacked the great mass of cruelty and iniquity on which the ancient and heathen legislation was reared; and those in whose hands the destiny of millions was placed, were taught, for the first time in the history of our race, that they were amenable for the exercise of their power, to a higher and more perfect standard of obligation and right, than the mere applause or censure of their fellow men. The most eminent of the fathers insisted on referring governors, as well as their subjects, to the broad and important principles of justice and humanity incorporated and set forth in the christian system; and on demonstrating the obligation laid upon both parties, of taking that

system, in all its political simplicity and fulness, as their sure and unerring guide to social power and true happiness. There was a perfect unanimity among the chief christian writers on this subject; for the principles they developed lay so open to the intellect, and were so much in unison with the feelings of the heart, that there was no ground for speculative dissent or disagreement.

The mode which the fathers followed in the development of the great principles of government, in their several writings, was an indirect one. In the various public statements and declarations they were called upon to make, in the course of their public duty, sufferings, and trials, as proselytes of a new faith, they seldom lost the opportunity of pointing out some instances of injustice and cruelty in the established institutions of the day; and in treating of these, reference was invariably made to some of the chief maxims of christian ethics or polity, which it would be advantageous to act upon, and receive as a constitutional canon of the state. It was in this manner that these able and pious men carried on their successful warfare against the political ignorance and corruption of their day; and that the thinking and literary mind of Europe, in these early times, was directed to the investigation of sound principles of civil and social liberty and right. The assertion that "the proper study of mankind is man," was one they were daily enforcing and illustrating; and the interests, obligations, and duties of man, as a member of a community, were the constituent elements of their philosophical disquisitions.

And it may be observed here, in passing, that

besides the custom of preaching sermons, and writing formal treatises on the doctrines of christianity generally, the early fathers often wrote *Epistles* or *Letters*, in which matters of public interest were discussed, and information disseminated far and wide. There can be little doubt but much interesting political truth was conveyed to the early christians, and to communities generally, through the instrumentality of this simple mode of communication.

In the *Apologies* of Justin Martyr, and Tertullian,—in the writings of Lactantius, and Minutius Felix, as well as in the *City of God*, of St. Augustine, and *The Government of God*, of Salvien, we find the political relations of men referred to, with great accuracy and eloquence, and some of the chief principles of civil and political philosophy illustrated with such power and copiousness, as to impress the minds of the age with contemplative seriousness, and reverential thought. These were not the fleeting lucubrations of the day; they sunk deep into the speculative minds of men, and manifested their quickening power long after their respective authors had been removed from the earthly scene of their zealous labours. The truths they enunciated, the admonitions they tendered, and the remonstrances they made, to the ruling powers of the day, were re-echoed through the imperial halls of the state, and struck the hearts of tyrants of every grade with terror and remorse. These holy men imparted a logical unity and power to the great doctrines of rational polity, which gave them a ready entrance into the understandings and hearts of men, and secured, in the course of time, their practical application, as one external bulwark of heathen misrule gave way after another.

The theological and voluminous nature of the writings of the early Fathers of the Church, prevent us from giving a full account of their political bearings and importance; but the following summary of the principles they enforced, may, perhaps, suffice for enabling us to recognise their first position as literary illustrators of the science of government, in these early ages of European civilization.

Viewing the whole of politics through a religious and moral medium, the Fathers solicited the attention of Statesmen and the Rulers of Kingdoms, to the existence of an infinitely wise and just Creator and Governor of the Universe. This was the grand source of all the light which could possibly be thrown on political science. He it was, who made the mind of man such as we find it to be. He made him a thinking, reasoning, and feeling creature, and endowed him with faculties and powers to obtain by meditation a knowledge of the ends and purposes of his being. The duties which men owed to each other in a state of society, involved a series of reciprocal obligations, arising out of the homogeneousness of their nature, as the recipients of a common principle of immortality. Justice, humanity, and right, were subjects which rested on the nature of the Divine character and governments, and could have no existence apart from the active influences and superintendence of that superhuman authority. If the world could be governed upon sound and enlightened christian maxims, misery and vice, both national and individual, would be in a great measure annihilated. This was declared in every page of Divine Revelation. To govern mankind we must examine the structure of human nature;

we must trace its varied adoptions to its social and political offices and uses; and mould, direct, and stimulate it, to increase the comforts and enjoyments of life, by an enlightened union of purpose and action. Social and political regeneration must be the result of religious and moral culture. The imitations of natural and revealed religion, and the moral constitution of man, go to establish the existence of certain political rules and principles, for the guidance of the public conduct of mankind; and the more closely and comprehensively this necessary alliance is studied, the more strikingly will it appear, that these rules and principles display the wisdom and goodness of Providence, in making them subservient to the true end of all knowledge and human happiness.

The Fathers also insisted upon the truth and importance of the maxim, that all legislative skill should be directed towards diffusing the temporal happiness, and increasing the virtuous affections of mankind. They maintained, that when the social condition of a people became low and degraded, their moral and political evils became mostly aggravated; and that no small portion of a nation's real power, grandeur, and solid wealth, rested on the state and condition of the individual homes of the people, and the domestic virtues therein reared and cherished. A really free, and happy community was that, wherein was blended a suitable proportion of temporal benefits, and moral and intellectual culture.

What were the precise or definite ideas the early Fathers of the Church entertained on the broad principles of *passive obedience*, and *resistance to constituted authorities*, is somewhat difficult to determine. We

are here left to inference more than to direct matter of fact. The advocate for absolute authority, as well as the most ultra democratic authors, have each claimed the early teachers of our faith, as friends and allies. The dispute can only be settled by considering calmly what was the exact social and political position of the christian community in the early ages, and what was the language the Fathers made use of in reference to that position. In the several *Apologies* for Christianity, published during the four first centuries of the history of the church, we have assertions often made that the christians were not, as a body, a seditious or troublesome class of the emperor's subjects; that they were loyal and well disposed to the constituted authorities; and obeyed the laws, such as they were, with cheerful alacrity. All this is repeated again and again, in these several writings; but still the main question is not materially affected by such general declarations. St. Polycarp, the disciple of St. John the Apostle, and a Martyr, says in his discourse before the Proconsul, "We are taught to give to rulers, and the powers ordained by God, such honour *as doth not hurt ourselves.*" There is here an important qualification to a general maxim, which certainly does not strengthen the authority for absolute obedience in civil matters.

In the respective *Apologies* of Tertullian and St. Cyprian, we find repeated allusions to the loyalty of the christian community, and to the spirit of submission which characterised their deportment in every walk of life. Both these writers dwell on the barbarity of the emperors,, and their subordinate agents; on the great number of christians in all the chief cities, who were able to defend their rights and lives; but that

numerous as they were, they felt it to be their duty not to resist their oppressors by force of arms. This submission has been held, by some political writers, as a conformity to the doctrine of *passive obedience*, and as forming an essential item in the social creed of the Fathers of the Church.

To this, however, it has been alleged, that the christian community never were in a position to contend against the Roman power in any formal martial conflict; that though they may have been spoken of as a numerous body, yet they were never organized, so as to offer any effective resistance to the reigning powers of the day; and that the real cause of their submission ought to be referred to that general maxim inculcated by the scriptures, that injuries should be patiently borne, and retaliation and revenge seldom indulged, either towards princes, or towards men in general. And it may be remarked, that neither St. Cyprian nor Tertullian ever declare in their writings, that the system of persecution they so eloquently deprecated, was a thing of divine appointment; a course they ought to have followed, if they had made the priciple of absolute submission the basis of their reasonings. In fact, their respective *Apologies*, were of themselves a most decisive proof that they considered the authorities of the day had violated, by their persecuting conduct, one of the fundamental principles of right and justice; or why should there have been any appeals at all to higher and more sacred maxims of legislative obligation and duty?

St. Chrysostom describes an absolute prince thus:— "A good prince covets nothing because he supposes himself to possess all things, he abstains from pleasures,

since he may enjoy whatever he pleases. He is juster than others, as he who is to be an example to others. He takes pleasure in business, because he labours of his own accord. He loves the laws, because he does not fear them, and of all these he rightly persuades himself; for who hath greater need of prudence, than he who deliberates on such great affairs? Who of more justice, than he who is above the laws? Who of more serene modesty, than he to whom all things are lawful? Who of greater fortitude, than he who keeps all things in safety?"*

On political authority generally, the venerable Father says, that rulers should use gentle treatment towards the people, like a wise physician who applies soothing medicines. He should not punish the good and virtuous; but only evil doers. It is for this object that we consider him to be appointed of God.

The duty to pay taxes or imposts arises from the circumstance that they contribute to the welfare of the entire community. We pay a ruler or king for presiding over us, and doing his duty towards us as a nation. We should not pay him unless we had known in the first instance, that we were gainers from this superintendence. It was from this consideration that from the earliest of times, men have come to an agreement that governors should be maintained at the public expense.†

Where there is perfect equality of rank in society, there can be no authority, nor peace; where all is democracy, there is no obedience, neither where all are rulers; the ruling power must of necessity be one, and indivisible.‡

* Oration, 62. † Homily, 23. ‡ Homily, 20.

St. Augustine, in his contest with the Pelagians, invokes Cicero, in these words noticed by the eloquent Pascal. "Nature, less like a mother than a step-dame, has cast man into life, with a body naked, frail, and feeble, and a soul which inquietude agitates, and fear depresses, which fatigue exhausts, and passion consumes; and yet there dwells within us, though half extinguished, a certain divine spark of intelligence and genius."

In the Father's *City of God* he says, "The public interest is really the interest of the people, whenever it is regulated in wisdom and justice, either by a king, or by a certain number of nobles, or by the entire people. But when the king becomes corrupt,—that is to say, tyrannous; and aristocrats unjust, transforming their allegiance to a faction,—or the people unjust, violent, headstrong, and overbearing,—then, the commonwealth is not merely corrupted, but extinguished; for it is no longer the interest of the whole people, when it falls into the power of a tyrant or a faction. And the people itself is no longer *the people*, when it becomes unjust, since it is then no longer a community formed under the sanction of right, and associated by the bond of common utility."*

On the benefits derived from nations persuing a peaceful policy, we have the following observations of the holy man. "Peace is serenity of mind, tranquility of soul, simplicity of heart, the bond of love, the consort of charity. It is she that removes discords, restrains wars, mitigates quarrels; that tramples on the proud, and exalts the humble; that allays jealousies, harmonizes enemies, and promotes universal

* Aug: Civ. Dei.

concord. She knows nothing of vanity—nothing of conceit. He who receives her retains her; he who loves her must seek her again; and he who has forfeited her is miserable till he receives her. He who is not found in her, shall be denounced by the Father, disinherited by the Son, and be alienated from the Spirit. Nor can any man hope to arrive at the paradise of the saints, who refuses to observe the testimony of national peace and concord."

St. Ambrose, in his "offices," and other divisions of his writings, descants upon many political topics. He lived a life of devotedness to the social charities and amenities of society; and never failed to employ his eloquence in favour of the humble and oppressed. He sold his gold and silver plate, to ransom the captive from his confinement.*

When Lactantius protests against the cruelties of the Emperors towards the primitive christians he says,—"There exists one true law, one right reason—conformable to nature, universal, immutable, external—whose commands enjoin virtue, and whose prohibitions banish evil. Whatever she orders, whatever she forbids, her words are neither impotent among good men, nor are they potent among the wicked. This law cannot be contradicted by any other law properly so called, nor be violated in any part, nor be abrogated altogether. Neither the senate nor the people can deliver us from obedience to this law. She has no need of new interpreters or new instruments. She is not one thing at Rome, and another at Athens; she is not one thing to-day, and another to-morrow; but in all nations, and in all times, this law must reign

* See not B, wherein there is a famous letter of his to St. Cyprian.

always self-consistent, immortal, and imperishable. The Sovereign of the Universe, the King of all Creatures, God himself, has given birth, sanction, and publicity to this illimitable law, which man cannot transgress without counteracting himself—without abjuring his own nature; and by this alone, without subjecting himself to the severest expiations,—can he always avoid what is called suffering."

In the treatise of Lactantius, *De Divinis Institutionibus*, we find a vast number of observations and principles laid down, which have a direct political tendency, and must have had no small weight on the public mind of the day, as to the ordinary current of political thinking. The work is divided into seven books; but the fourth on *True Wisdom*, and the fifth on *Justice*, are the most important relative to their political bearing.*

On the value of christian morality to all states, we have Salvien, an author who wrote his well-known book *On the Government of God*, about the middle of the fifth century. It is an important work politically considered; not, indeed, for its scientific development or arrangement of the distinct principles of polity, but for its indirect bearings on them, and for its vivid and severe denunciations of the olden system of heathen governments. He shows the insufficiency of the Roman elements of legislation to promote the happiness of man, or to raise him to anything approaching to even a medium state of social comfort, and moral sentiment and feeling. The picture he draws of the degredation of his age is both fearful and revolting. He thinks a state of nature preferable to the civilization

* See the Oxford Edition of his works, 1684.

of his own day. He tells the Roman authorities that that empire had been subjected to the inroads of the barbarians solely on account of the demoralized condition of the people; and that even the Vandals themselves enforced the rules of chastity and moral propriety on the Roman citizens, as an evidence of their higher state of rectitude and decency.* He likewise tells us that justice and right were so outrageously trampled underfoot by the government of the day, that the very name of Roman citizen was held in abhorence, and many who were entitled to claim it went over to the barbarians, where greater mercy and consideration were shown to them.†

The community of goods was, for a brief period, a christian institution of the Church, which in all probability was adopted for the direct purpose of strengthening the bonds of unity among the faithful, and enabling the christians generally to ward off, in some measure, the severities of prosecution. But from whatever cause, it is certain the doctrine was part of the political creed of Justin Martyr, Irenæus, Tertullian, Origen, St. Barnabas, and St. Ambrose. The last speaks strongly and pointedly on the matter, by declaring that "nature has given all things in common to all men. Nature has established a common right, and it is usurpation which has set up a private claim."

On the evils of political ignorance the Fathers were particularly forcible and eloquent. St. Augustine and Salvien, show, in their respective publications on public affairs, that all the embarrassments and corruptions so glaringly exhibited in the Roman

* De Gubern; Dei, lib. 7. † De Gub.; Dei, lib. 5, c. 5.

government of their own day, were fairly attributable to the gross violation of the chief rules of christian polity and morality. They also demonstrated, that that which was true of the government under which they then lived, would be true of every other subsequent legislative union, which neglected to avail itself of the valuable lights and privileges of revelation.

CHAPTER VI.

THE ORIGIN AND PROGRESS OF POLITICAL LITERATURE, CONNECTED WITH THE CIVIL AND STATE AUTHORITY OF THE PAPACY, FROM THE CHRISTIAN ERA, TO THE CLOSE OF THE TENTH CENTURY.

THE political power and authority of the church, and the opinions and principles on which they are founded, were of slow growth, and sprung chiefly out of the real and necessary circumstances in which European society was placed, for the long space of a thousand years, from the days of our Saviour and his immediate Apostles. The gradual extension of christian maxims, institutions, and modes of thinking, gave rise to the authority and every-day influence of the church; which, being long the creature of circumstances, was sometimes placed in opposition to, and sometimes in harmony with, the entire system of political philosophy and legislation. Public opinion began to be tardily formed; and at first was but faintly expressed; yet it strengthened with time, and became impregnated with a larger portion of the theological element, in proportion as christians themselves increased in number and influence in political and civil affairs. Inquiry, discussion, and contrariety of opinion, were the

natural consequences of this new order of things. The christian principle was, in fact, from the very first, an active and aggressive power against all the governments of the earth; and no benefits could ever possibly have been derived by mankind from it, had it not raised its voice, and battled for human liberty and justice, in a stern, authoritative, and uncompromising tone. It had great truths to proclaim, and great reforms to make; and these could not be accomplished, unless by taking on all occasions the initiative in human affairs, and obtruding, as it were, its own personal presence, into every active manifestation of civil and practical life.

The medium through which the Papal power has been viewed, has been commonly a theological one. The mere political and civil elements have been comparatively thrown into the back-ground by both general and ecclesiastical writers and historians. It is, however, to these elements that we wish to confine our attention; for, with questions of theology, or church government or ritual, we have nothing here to do. What we wish to trace are the rise and progress of the principles of religious toleration and freedom, of the several checks and stimulants they have at various times received, and of the gradual expansion of that sacerdotal power and influence which long shook the temporal thrones of the world, and was productive of innumerable important changes on the face of European society, many of which are still to be witnessed in every direction at the present hour. This is what we aim at, and what we shall attempt to execute, in as brief and plain a manner as possible. We cannot altogether avoid touching here and there on religious and his-

torical matter; but whenever we do so, it will be solely for the purpose of making our remarks and statements more strikingly obvious to the reader's attention, and not with the intention of passing any dogmatical opinion on questions, which lie beyond the sphere of what is commonly understood by political literature.

It is likewise necessary to observe, that what is called religious liberty or toleration, is composed of two ingredients, which are, however, under certain circumstances, often commingled together in various proportions; namely, one of a civil, and the other of a spiritual character. The first implies a freedom from temporal pains and penalties, of every cast and degree; and the other a removal from spiritual or intellectual coercion, authority, and bondage. The last element belongs to the province of theology proper, and can only be incidentally alluded to in these pages. The other ingredient comes directly within the sphere of politics, and gives rise to a code of laws, and to broad principles of philosophical investigation, which form an important and essential feature in the science of general governments.

We have, in a preceding chapter, referred to the influence of the writings of the Christian Fathers on political opinion generally. The numerous, though detached, attacks on heathen legislation, contained in these writings, produced a powerful effect on the understandings of men in the course of time; and gradually prepared the way for direct interference, on the part of the church, in the direction and improvement of civil affairs. The regular organization of the clergy; the numerous and interesting public discus-

sions on vital questions of doctrine and discipline; the public sympathy and interest manifested in their synods and councils; the inquiries and investigations, both directly and indirectly instituted, on the political questions of the day, at such numerous theological gatherings; the necessity imposed on all the clergy of looking to the practical operation of the broad principles of legislation, as they affected their own, and their people's lives and property; the learning, talent, and eloquence, displayed in the management of their own ecclesiastical affairs; the constant and emphatic appeals made to the common sense and common feelings of mankind, on whatever came home to their every-day necessities and duties; the heroic, and enlightened patriotism, displayed, in great national exigencies, by christian communities generally; all these, and a thousand additional sources of influence, gradually drew civil power into religious channels; a circumstance, which, when looked at from a certain point of view, may be justly and incontrovertibly pronounced as the first decided mark of improvement in the political progress of mankind.

What goes commonly under the denomination of *Papal authority*, was, then, originally the almost necessary result of christian influence on heathen systems of government. It was the embodiment of the protests, appeals, rights, and privileges, which took their rise out of the struggle christianity had to make for some centuries against long and firmly established systems of political misrule and oppression. The more widely the gospel scheme became extended, the more political power and influence it conferred upon those who were the delegated instruments of

guiding and directing its public movements and concerns. The active and stirring members of the church had religious constituencies, augmenting in number and authority year after year; and this gradually increasing power sapped the foundation of the old bulwarks of civil polity, and made them yield to the remonstrances and moral force of these zealous and rational innovators. The clergy and their flocks were, in fact, a christian republic, grounded on a novel set of political principles, rising into authority and independence, amidst the mass of barbaric and heterogeneous elements, which the old civilization of the world presented.

The Protestant mind of most countries, is apt to imagine, that the papal power was a cunningly devised scheme of government, which was launched, from its commencement, into being and activity, with all its full capabilities, and gigantic proportions. But this is a mistake. It was purely a thing of circumstances; and circumstances, too, of an ordinary and every-day character. There is nothing of the mysterious or marvellous about its origin and growth. It was created and nurtured by simple and natural means. It was not the intellectual offspring of any one individual, or set of individuals, nor, of any peculiar conjuncture of national emergencies. Some men, it is true, took a more prominent part than others in its development and regular organization; and some particular states of society facilitated its growth more than others; but, speaking generally, it owes its existence and extension to certain deep and hidden influences in the back-ground, which, under the existing circumstances of European governments,

for many years after the christian era, had no other mode of manifesting their power, but in some such way, or manner, as the early movements of the Papal authority displayed. Looking at the state of the world when christianity first made its appearance, and contrasting its ethical and political principles, with the profane philosophy and forms of government then existing, it is scarcely possible for us to conceive how two such antagonistic agencies should produce any other result, upon the face of political society, than that which we see the church produced, for the first thousand years of its external history. Here there was a real, and constant struggle for power, in the political relations of these two opposing forces; a struggle however, carried on by the intellectual weapons of discussion and public opinion.

There seems to have been a great and general decline among mankind of rational and sound political knowledge, prior to the appearance of Christianity. The political movements and sympathies of our race were paralyzed and checked by an impenetrable darkness, and unconquerable apathy. The Church, therefore, with its union of spirit and action, its regular forms of proceeding, its firm hold on the sentiments and feelings of the community, and by the learning and talents embodied in its entire structure, seems to our eye at the present day, to have been an instrument designedly fitted and employed for the elevation and improvement of mankind.

Of the systematic or formal records of these discussions, and of the evidence of this public opinion, we have, for the first thousand years of European

civilization, but few memorials, and these are, too, of a very scanty and meagre character.

The common theory adopted in reference to the supremacy and power of the Pope, when viewed through the medium of ecclesiastical history, is, that the Bishop of Rome, had, from the most remote ages of the church, possessed great authority and influence amongst its members; and on this account raised himself to a pre-eminence over his brother prelates, as one holding the first rank in the hierarchy. This power given to the Bishop of Rome was, however, only a relative and dependant one, and not of an absolute and perpetual character. He was merely considered in the light of a distinguished subject of the Emperor, who, when residing at Constantinople, governed Italy by an Exarch, who commonly resided at Ravenna.

For the first three centuries of the history of the church, there appears to have been no idea formed by religious bodies of any party, or by the church in its collective capacity, that the members of it, ought to exercise any political power, more than belonged to them as individual members of the state. The relations between the civil and ecclesiastical powers underwent a change after the time of Constantine, who re-organized the administration and discipline of the church. This prince divided the Roman world into four prefectures, and these again were parcelled out into dioceses and provinces. It was the general rule to graduate the scale of ecclesiastical dignity, to the nature and importance of the secular government of each of these leading or primary divisions.

It is scarcely conceivable how a Divine Revelation could be made to mankind without differences of

opinion and sentiment arising among them, as to some of its leading statements and objects. In conformity with this surmise, we find that the christian system was scarcely fairly promulgated by its Disciples and Apostles, when dissent crept in, and laid the foundation for some ecclesiastical or civil modes of dealing with the refractory and obstinate. The great and vital question of political and religious toleration takes its rise, therefore, out of the very first manifestations of the christian dispensation. Paul instructs Titus, Bishop of Crete, what line of policy he should follow towards heretics—that a man who persists in his heresy, after the first and second admonition, should forthwith be rejected; but the great Apostle of the Gentiles, does not follow this up with any coercive measures against the life of the disobedient. And when our Saviour, addressing St. Peter, gives his sentiments on the matter, he commands that a sinner shall be forgiven not only seven times, but seventy-times-seven; a declaration from which a large and liberal portion of liberty for dissent may safely and fairly be inferred.

The general comment of the sentiments of the early Fathers on the subject of religious toleration, is very explicit, and in favour of liberty of opinion. Tertullian, in his Apology, remarks, "It is a kind of impiety to take from me liberty in matters of religion." And he elsewhere adds, "All men have a right to worship what divinity pleases them; and the religion of one man does neither good nor harm to that of another. It can be no part of religion to use compulsion in what respects religion, which ought to be embraced voluntarily and not by force."

Cyprian thus writes, in an epistle which he addressed to Maximus,—"The Apostle, in his epistle to the Corinthians, says, that in a large house there are not only vessels of gold and silver, but of wood and earth, some to honour, and some to dishonour. Let us endeavour as much as we can, to be found amongst those of gold and silver. It is the sole prerogative of God to break the earthen ones. The servant cannot be greater than his Lord, nor should any arrogate to himself what the Father hath committed only to the Son, to winnow and purge the flour, nor to separate, by any human judgment, the chaff from the wheat."—Lactantius observes, "There is no need of compulsion and violence, because religion cannot be forced; and men must be made willing, not by stripes, but by arguments. Slaughter and piety are quite opposite to each other; nor can truth consist with violence, or justice with cruelty. They are convinced that nothing is more excellent than religion; and therefore, think that it ought to be defended with force; but they are mistaken, both in the nature of religion, and in proper methods to support it; for religion is to be defended, not by murder, but by persuasion; not by cruelty, but by patience; not by wickedness, but by faith. If you attempt to defend religion by blood, torments, and evil, this is not to defend, but to violate and pollute it; for there is nothing that should be more free than the choice of religion, in which, if consent be wanting, it becomes entirely void and ineffectual."*

We are told that Eusebius displayed great liberality

* Tertullian, Apologia, chapt. 24. Cypriani Opera, Epis. 51. Lactantii Opera, lib. 5. Limbarch's Hist. of the Inquisition.

of sentiment towards those who differed from him on some essential points of religious doctrine; for that after endeavouring in vain to persuade Anicetus, Bishop of Rome, to embrace his opinion, gave him, notwithstanding, the kiss of peace. And it is further stated by Irenæus, that though Polycarp was much incensed against the supporters and abettors of the Gnostic heresy, he nevertheless was successful in converting numbers of them by facts and arguments submitted to their candid consideration and inquiry.*

In proportion, however, as the church gained outward power and strength, in nearly the same degree did she become more tenacious of a unity of faith and ritual, and more decidedly disposed to check liberty of conscience, and narrow the sphere of dissent. The Arian controversy was carried on with great bitterness and illiberality of sentiment; and the assembly of the Council of Nice engendered a spirit of persecution and intolerance which the previous history of the church had not hitherto manifested. The Nicene Creed was here framed and adopted, which enjoined, that all should receive it as divine truth, and that dissentients should be declared accursed, and cut off from the society and privileges of christians. This act of compulsion excited angry feelings, checked calm and rational inquiry, and opened the door of violence and persecution. The orthodox bishops used their influence in every direction with the reigning emperors, to take an open and decided part in the controversy; and to bring into the field all the civil weapons and appliances which their temporal power supplied, to subdue the stubborn and refractory spirits

* Euseb: Hist: Ecc: lib. 5.

of the day. Many of the imperial authorities entered into the views of the predominating party, and seemed eager to gratify the furious and bigotted passions of the clergy, who never ceased to invoke the arm of civil power, as the most hallowed and sacred instrument they could employ in the work of sincere and rational conviction.*

In the voluminous and influential writings of the celebrated St. Augustine, Bishop of Hippo, we find many passages which breathe an intolerant and persecuting spirit. In the early part of his life he had entertained liberal opinions; but his acerbity of disposition seems to have increased as he advanced in years. He says, "I have written two books against the Donatists. In the first, I declared that I did not approve that schismatical persons should be compelled to communion by any secular power. The reason was, because I had not then experienced the great mischief which would arise from their impunity, nor how much good discipline would contribute to their conversion." This good discipline, he defines thus, "My first opinion was, that none were to be forced to the unity of Christ; but that they were to be dealt with by words, fought with by argument, and overcome by reason, lest they who were once open heretics should become feigned catholics." Afterwards he departed from this honourable creed, and in addressing the heretics of his time, he says, "Should you be allowed to make free contracts in buying and selling, and yet dare to divide amongst yourselves what the betrayed

* See Socrates, Hist: Eccle: lib. 1. Venema Institutiones, vol 4. Theodosian code, Enactments against heretics, No. 2, 3, 9, 13, 14, 19. 32, 53. Jablonski, Institutiones, vol 1.

Saviour bought for us? Can it be unjust to banish you from the land of your body, when you endeavour to banish Christ from the kingdom of his blood? No, let the kings of the earth serve Christ by making laws for Christ,—what! doth it not belong to the pastoral care to recover to the Lord's flock those sheep when found, by the terrors of stripes, or even pains if they resist?"*

Augustine had, however, a great objection against persecution being in any case turned against himself or those who adopted his own creed. He says, "If, therefore, we will acknowledge the truth, that is an unjust persecution which the wicked make on the Church of Christ, and that a just persecution which the Churches of Christ make on the wicked; so that the church is blessed which suffers persecution for righteousness sake, and they miserable who suffer persecution for unrighteousness. Besides, the church persecutes by love, they by rage; she that she may correct, they in order to overthrow; she that she may recal error, they to force others into it. She persecutes and apprehends enemies, to cure them of their vanity, and to advance the truth; they return evil for good; and, because we consult their eternal salvation, endeavour to deprive us of temporal safety."

St. Athanasius denounces persecution for religious opinions as a diabolical invention; and he has presented us with eloquent and moving recitals of the cruelties perpetrated on the Arians.

When the Emperor Julian, called the Apostate, ascended the imperial throne, he announced his intention of permitting all his subjects to exercise their own

* Opera, Epist. 48, 50.

judgments in matters of faith, and to practice what religious forms they pleased, provided they preserved the public peace. He is said to have taunted the followers of christianity with the declaration, "that he found by experience that even beasts are not so cruel to men, as the generality of christians were to one another."

From the days of Julian to the end of the period embraced in this chapter, there were many members of the christian church who denounced the practice and principles of intolerance in their several writings. In the ninth century, when the Emperor Michael passed sentence of death upon the Manichæans, and the Pauliciens, many of the clergy raised their voices against it, on the ground that it was unlawful for the church to condemn the impious to a loss of life, because the Deity delights in their amendment and conversion, and that Christ had forbidden his disciples to root out the tares which spring up among the wheat.*

The two Bulls, ascribed to Gregory 1st, (593), contain the doctrine of excommunication against all who transgress the precepts of the Holy See. Gregory is represented as saying:—"If any King, Bishop, or Judge, shall presume to infringe the decrees of our Apostolical authority, or transgress this our command, let him be deprived of his honour and dignity; let him be cut off from the communion of Christ; let him be loaded with all the anathemas and curses that have been thundered against infidels and heretics, since the creation of the world, to the present day; let him be for ever damned in the bottom of hell, with Judas, the

* Venema Institu; vol. 5, p. 437.

betrayer of our Lord."* The authenticity of these Bulls is denied.†

The immediate successors of Constantine, Valentinian, Gratian, Theodosius, Arcadius, and Honorius, adopted the precepts and maxims of intolerance, and perpetrated great cruelty and injustice in carrying out their erroneous ideas on the necessity and possibility of uniformity of faith. Theodosius published fifteen, Arcadius twelve, and Honorius eighteen statutes against heretics. These are preserved in the Theodosian and Justinian Codes to this hour.

Thus we see, that the great principle of the right of private judgment in matters of religious belief, was subjected during the period of history of which we are now treating, to great changes and vicissitudes. Doctrines of faith were defined and promulgated by theological councils, and then the civil power was invoked to secure what was the great thing aimed at, —a perfect uniformity of belief and practice among all professing christians. This craving for perfect harmony was the grand delusion of the times of which we are now speaking. It led even able and good men to deviate from those vital principles of rectitude and duty, alike proclaimed by reason and revelation. This departure from the maxims of sound policy poisoned some of the leading springs of political philosophy at their source, and was likewise productive of an immense mass of cruelty and suffering in the christian world, during many subsequent generations.

From the time of Constantine, till about the middle of the eighth century, the power of the Church had

* Bower's Hist. of the Popes, vol. 2, p. 501. † See Cook's Censura, London, 1628.

been daily making encroachments on the rights of sovereigns, chiefly, however, through the turn which several disputes of a theological nature had taken. The principles of intolerance had, during this period, been more boldly, and unreservedly announced by the Papal chair; but still Popes did not altogether suppress the rights of individual judgment, nor coerce with so fierce a hand as they did afterwards, the dissentients against their opinions and decrees. Amongst the first decided attempts of the Popes, to seize hold of absolute political power, was that wherein Pepin, son of Charles Martel, conceived the design, in 751, of dethroning the feeble monarch, Childeric III., under whose authority he acted as prime minister. In order to secure his movements, Pepin solicited the advice of Pope Zachary, who told him, "that he ought to be called King, *who possessed the power*, rather than he who, without royal power, possessed *only the titles.*" The feeble Childeric was consequently deposed, and confined in a convent, and Pepin declared King in his stead.

The next great movement for abstract political power was made by Pope Stephen, Zachary's successor. In 753, Aistulphus, King of Lombardy, conquered and took possession of the Exarchate of Ravenna, and after this, dispatched a messenger to Rome, demanding the submission of its inhabitants to his authority. Stephen being alarmed at this encroachment of power, sent an agent to the Emperor, at Constantinople, to solicit assistance, and to aid in the repelling of the threatened invasion. The Emperor however, did not enter into the spirit of the invocation from Rome; and in this dilemma, Stephen resolved to

apply to Pepin, King of France, who had already received such signal favours from Stephen's predecessor, Zachary. This application was more successful. Pepin crossed the Alps, and with a powerful army vanquished the King of Lombardy; and Stephen had the adroitness of getting the conqueror to assign the produce of his victories, not to the Emperor, *but to be possessed by St. Peter and his disciples.* The Lombard monarch signed the treaty to deliver up to the Pope the Exarchate, "with all the cities, castles, and territories thereto belonging, *to be for ever held and possessed, by the most holy Pope Stephen, and his successors in the Apostolic See of St. Peter.*"

This treaty, though signed, was not fulfilled. As soon as Pepin returned to France, the King of Lombardy turned round again against Pope Stephen, who had no resource left but to call afresh upon Pepin for assistance, which he did in the following words. "To defend the church, is, of all works the most meritorious; and that, to which is reserved the greatest reward in the world to come. God might himself have defended his church or raised up others to maintain and defend the just rights of his apostle St. Peter. But it pleased him to choose you, my most excellent son, out of the whole human race, for that holy purpose. For it was *in compliance with his divine inspiration and command* that I applied to you, that I came into your kingdom, that I exhorted you to espouse the cause of his beloved apostle, and your great protector, St. Peter. You espoused his cause accordingly; and your zeal for his honour was quickly rewarded with a signal and miraculous victory. But my most excellent son, St. Peter, has not yet reaped

the least advantage from so glorious a victory, though owing entirely to him. The wicked and perfidious Aistulphus has not yet yielded to him one foot of ground; nay, unmindful of his oath, and actuated by the devil, he has began hostilities anew, and, bidding defiance both to you and St. Peter, threatens us, and the whole Roman people, with death and destruction, as the Abbot Fulrad and his companions will inform you."

This letter not having been attended to so promptly as the pontiff anticipated, he grew impatient, and made use of one of those pious frauds, which have been justified by some casuists as allowable on great and pressing state emergencies. This was to send a letter to Pepin, from St. Peter in Heaven, beseeching the immediate interposition of the French King, for the preservation of Rome. The superscription to this document is as follows:—"*Simon Peter a Servant and Apostle of Jesus Christ*, to the three most excellent kings, Pepin, Charles, and Carloman; to all the holy bishops, abbots, presbyters, and monks; to all the dukes, counts, commanders of the French army, and to the whole people of France: Grace unto you, and peace be multiplied." The letter then proceeds thus: —"*I am the Apostle Peter*, to whom it was said, Thou art Peter, and upon this rock, &c. Feed my sheep, &c. And to thee will I give the keys, &c. As this was all said to me in particular, all, who hearken to me and obey my exhortations, may persuade themselves and firmly believe that their sins are forgiven them; and that they will be admitted, cleansed from all guilt, into life everlasting. Hearken, therefore, to me, *To me Peter the Apostle* and servant of Jesus

Christ; and since I have preferred you to all the nations of the earth, hasten, I beseech and conjure you, *if you care to be cleansed from your sins*, and, *to earn an eternal reward*, hasten to the relief of my city, of my church, of the people committed to my care, ready to fall into the hands of the wicked Lombards, their merciless enemies. It has pleased the Almighty that my body should rest in this city; the body that has suffered for the sake of Christ such exquisite torments: and can you, my most christian sons, stand by unconcerned and see it insulted by the most wicked of nations? No, let it never be said, and it will, I hope, never be said, that I the Apostle of Jesus Christ, that my Apostolic Church, the foundation of the faith, that my flock, recommended to you by me and my vicar, have trusted in you, but trusted in vain. OUR LADY, THE VIRGIN MARY, MOTHER OF GOD, *joins in earnestly entreating*, nay, commands you to hasten, to run, to fly, to the relief of my favourite people, reduced almost to the last gasp, and calling in that extremity night and day upon her and upon me. The thrones and dominions, the principalities and the powers, and the whole multitude of heavenly hosts, entreat you, together with us, not to delay, but to come with all possible speed, and rescue my chosen flock from the jaws of the ravening wolves ready to devour them. My vicar might, in this extremity, have recurred, and not in vain, to other nations; but with me the French are, and ever have been, the first, the best, the most deserving of all nations; and, I would not offer the reward, the exceedingly great reward, that is reserved, in this and the other world,

for those, who shall deliver my people, to be earned by any other."*

After this affair of Pepin and Pope Stephen, we come to the times of Charlemagne, who had, by great military achievements, subjected nearly the whole of Europe under his power and sway. He was highly instrumental, by various acts of his government, in strengthening the temporal and political power of the Church. When he visited Rome, in the year 800, for the purpose of vindicating his authority in some act in which Pope Leo III., was implicated, he called together the entire body of the clergy and nobility in the church of St. Peter; and when he intimated that he came there for the purpose of examining into certain charges made against the Papacy, the Archbishops, Bishops, and Abbots exclaimed, with one voice, "We dare not judge the Apostolic See, the head of all Churches. By that See and its Vicar, we are all judged, *and they by none.*" The matter however, was healed up, by the Pope offering to take a compromising oath, which, for the time, satisfied the formal demands of the court.

A few weeks after, Charlemagne was solemnly crowned and proclaimed Emperor *by the Pope* in person. Whilst the gorgeous and pompous ceremony was going on, Pope Leo advanced, and placed an imperial crown on the Emperor's head; when the people exclaimed, "Long life and victory to Charles Augustus, *crowned by the hand of God;* long live the great and pious Emperor of the Romans."

About the same time that curious document, *the Donation of Constantine*, made its appearance, under

* Codex Carolinus, Epist. 7.

the authority of the Church. This *Decretal* contained a donation from the Emperor Constantine the Great, in the year 324, of the city of Rome, and all Italy, with the crown, mitre, &c., to Silvester, then Bishop of Rome. The following are abstracts from this singular document. "We attribute to the chair of St. Peter, all *Imperial dignity, glory, and power.* * * * Moreover, we give to Silvester, and to his successors, our palace of Lateran, incontestably one of the finest on earth; we give him *our Crown, our Mitre, our Diadem,* and all our Imperial vestments; we resign to him the Imperial dignity. * * * We give as a free gift to the holy Pontiff the city of Rome, and all the western cities of Italy, as well as the western cities of the other countries. To make room for him, we *abdicate our sovereignty* over all these provinces; and we withdraw from Rome, transfering the seat of our empire to Byzantium, *since it is not just that a Terrestrial Emperor shall retain any power where God has placed the head of religion.*"

Mr. Gibbon has the following remarks on the nature of this Decretal. "By an epistle of Pope Adrian, I., to the Emperor Charlemagne, he exhorts him to imitate the liberaliiy of the great Constantine. According to the legend, the first of the christian emperors was healed of the leprosy, and purified in the waters of baptism, by St. Sylvester, the Roman bishop; and never was physician more gloriously recompensed. This royal proselyte withdrew from his seat and patrimony of St. Peter; declared his resolution of founding a new capital in the east; and *resigned to the popes the free and perpetual sovereignty* of Rome, Italy, and the provinces of the West. This fiction

was productive of the most beneficial effects. The Greek princes were convicted of the guilt of usurpation; and the revolt of Pope Gregory was the claim of his lawful inheritance. The popes were delivered from their debt of gratitude: and the nominal gifts of the Carlovingians were no more than the just and irrevocable institution of a scanty portion of the ecclesiastical state. The sovereignty of Rome no longer depended on the choice of a fickle people; and the successors of St. Peter and Constantine were invested with the purple and prerogatives of the Cæsars. So deep was the ignorance and credulity of the time, that this most absurd of fables was received with equal reverence, in Greece, and in France, and is still enrolled among the decrees of the canon law. The Emperors and the Romans were incapable of discerning a forgery that subverted their rights and freedom; and the only opposition it met with, proceeded from a Sabine monastery which, in the beginning of the twelfth century, disputed the truth and validity of the donation of Constantine. In the revival of letters and liberty this fictitious deed was transpierced by the pen of Laurentius Valla, an eloquent critic and a Roman patriot. His contemporaries of the fifteenth century were astonished at his sacrilegious boldness; yet such is the silent and irresistible progress of reason, that before the end of the next age, the fable was rejected by the contempt of historians; though by the same fortune which has attended the Decretals and the Sybylline oracles, the edifice has subsisted after the foundations have been undermined."

The theory of government now advocated by the Clergy, and the Ecclesiastical Canonists of the day,

was substantially and simply this:—that Sovereigns were invested with a two-fold authority—of being champions of the great truths of the Gospel, and of being civil and political rulers. The latter office was of less importance than the first; inasmuch as the soul is more valuable than the body. The decrees of Emperors and Kings, became, in consequence, invested with all the power of divine inspiration itself. They were God's vicegerents, and especial instruments for the ruling of nations.

We have here given a rough and brief sketch of the rise and progress of two constituent and important elements of political philosophy; the rights of private judgment in matters of religious belief, and the outward influence of the Church upon the privileges and movements of independent States. Limited as this statement is, it will not, we trust, be without its use, in our future progress, when we come to treat of authors and times, possessing more learning and science, than were at this period to be found in European society.

CHAPTER VII.

ON THE PUBLICATION OF CERTAIN CODES OF LAW, FROM THE CHRISTIAN ERA TILL THE DAYS OF CHARLEMAGNE; AND ON THEIR INFLUENCE ON THE SPIRIT OF POLITICAL LITERATURE GENERALLY.

THE promulgation of the various civil codes, which took place at certain intervals, from the time of the Apostles to the days of Charlemagne, and which enter so largely into the history of European civilization, exercised a powerful influence over the fortunes of political literature generally. These codes were the materials on which subsequent politicians and legislators reasoned and acted. It is true, that in several of these, we find but a slender stock of constitutional maxims or principles; for the great mass of their provisions relate more to individual than to public right or obligation. But such principles of government as were embodied in them, were of essential importance, both on their own intrinsic merits, as well as in relation to the office they fulfilled, that of consolidating the general views of mankind on these abstract points of political speculation, of a comprehensive and philosophical character.

An important circumstance took place about the middle of the sixth century, relative to the Roman

law. This was the memorable enterprise of the Emperor Justinian to reform and digest the civil jurisprudence of imperial Rome. Such a reformation was much needed. The entire mass of legal decisions and rules was in a state of the most chaotic confusion and disorder; so much so, indeed, that it had become almost an impossible undertaking, for even the most highly gifted lawyers to say, what was, or was not law, even on vital questions of legal and constitutional policy. A thousand eventful and chequered years had rolled over the heads of the Roman people since the original enactment of the *Twelve Tables;* and during this time the Edicts of the Emperors had been constantly increasing at a rapid ratio; so that the entire system of jurisprudence had swollen into countless volumes, of variable authority, and the opinions and judgments of the several courts of the kingdom became one interminable medley of confusion, uncertainty, and disorder.

To lighten in some measure, this burden, which hung round the neck of the nation like a millstone, Justinian set himself with order, judgment, and perseverence. The chief aid he called to his assistance was Tribonian, a renowned lawyer, whose genius and knowledge were in every respect equal to the stupendous undertaking. There were nine other jurisconsuls joined with him in the work, and under his authority and control.

The first thing these legal reformers undertook, was a revision of the imperial ordinances. A selection was made of them, so as to give a determined unity and harmony to the whole; and contradictions and superfluities were unceremoniously expunged, from the

mass. This work was comprehended in twelve books; was accomplished in the brief space of fourteen months; received the signature of the Emperor; was designated the *Justinian Code;* and proclaimed as the universal law of the empire.

A still greater labour was yet to be performed. This was the composition of a general *Commentary* on the spirit and substance of the whole body of Roman jurisprudence; and to deduce uniform and consistent judgments from the whole mass of contradictory opinions and decisions of the first civilians; and to extract, and arrange, from their most celebrated publications, such approved and consistent rules and principles, as would confer on law the logical consecutiveness of a scientific department of human study and inquiry. This herculean task was executed by Tribonian, with the assistance of an increased number of associates, in the space of three years, and received the formal ratification of their imperial master. This commentary is known under the name of the *Institutes of Justinian;* and embraced in four books the elementary principles of law, and requisite definitions for explaining their nature and application.

To these *Institutes*, there were added the *Pandects*, in fifty books, which were designed to supercede the various and unwieldy texts of antiquity, of which they formed abridgments or abstracts. These three works, the Code, the Institutes, and the Pandects, constituted this full and complete digest of the laws of Rome; and all legal science or wisdom was henceforth to be considered as embodied in this celebrated and triple compilation, commentary, or digest.

This improved and extensive system of legal and

constitutional knowledge did not, however, suffice to satisfy the cravings of the people for legislative innovations. Comprehensive as the system was, it was found to be deficient by Justinian himself; and he promulgated many supplementary additions to it during his long reign, under the title of *Novels*. These Edicts, so called, were collected after his death, and their authority added to the Code, the Institutes, and Pandects, formed that famous body of jurisprudence known under the common denomination of *The Civil Law*.

This immense collection of political maxims, and legal principles and rules, produced a great and decided change on the mode of discussing and treating general questions of public interest. It became a common standard of appeal and reference, both for the student of law, and the philosopher; for the theologian and the constitutional politician. It concentrated human speculation on the science of government; and though rude and harsh in many of its prominent enactments and declarations, still it embodied a great mass of wise and wholesome philosophy. It lay, however, comparatively dormant for several centuries after the days of its founder, Justinian; but was revived with great splendour, in after times, of which we shall give some account, in a more advanced stage of this work.

The fundamental principle which Justinian himself entertained of the nature of all law, was that it had the constitution of human beings for its basis. "When we speak of law," says he, "we mean that of the Romans, as, when the poet says, the Greeks mean Homer,—the Romans Virgil;—each nation has

its own peculiar laws, and each calls his own the civil law." He then goes on to state, that there are principles common to all law—the dictates—not of what he terms natural law—but of man's reason exercised on the subject;—which he calls the jus gentium, "quasi quo jure omnes gentes utantur."

On the general tendency of the philosophy of the *Civil Law*, various opinions have been entertained. It is not certainly in its ordinary aspect friendly to the liberty of the subject. It is deeply impregnated with the arbitrary spirit of monarchical despotism. The fact is, that it was a system of legislation for a comparatively barbarian and heathen people; and the spirit and influence of the christian code had not, at the time of Justinian, nor for long after his day, penetrated its harsh and colossal fabric, so as to mollify and soften its rigorous and inhuman provisions.*

The study, however, of the Roman law in itself, is a noble and improving exercise, even for the ordinary politician. He is instructed in the natural rights of men, and the foundations of society. We have the recommendation of Locke for its utility in this respect. "This general part," says he, "of civil law and history is a study which a gentleman should not barely touch at, but constantly dwell upon and never have done with. The civil law concerns not the chicane of private cases, but the affairs of civilized nations in general, grounded upon principles of reason." —"A young man so instructed may turn loose into the world, with great assurance that he will find employment and esteem everywhere."† Again he says in

* One of its famous maxims is "Quod principes placuit, legis habet vigorem." † Tractate of Education.

reference to the value of legal studies generally, "Law, in its true notion, is not so much the limitation as the direction of a free and intelligent agent to his proper interest; and prescribes no further than for the general good of those under that law. Could they be happier without it, the law, as a useless thing, would of itself vanish; and that ill deserves the name of confinement, which hedges us in only from bogs and precipices. So that, however it be mistaken, the end of law is not to abolish and restrain, but to preserve and enlarge freedom; for, in all the states of created beings capable of laws, where there is no law there is no freedom."*

It has been a topic of controversy among lawyers, and writers on constitutional politics, as to what was the exact meaning of the celebrated Ulpian, when in his definition of the *Lex Regalis* of the Romans, he affirmed that the Emperors *were above the laws?* He says, "the Prince is discharged from the obligation of observing the laws, the Prince her husband communicates his privileges to her."† One party of the reasoners maintain that a Prince to whom a pure and simple sovereignty has been granted, without any stipulations, and much more one to whom a people have submitted as to an absolute master, is placed entirely beyond the obligation of any law whatever. His will, in all cases, must be the supreme authority.

On the other hand, it is contended, that the laws here contemplated by Ulpian, are the *civil laws*, and not the general and comprehensive *laws of nature*, on which even the Roman codes are professedly es-

* Of Civil Government. † Digest. lib. 1, Tit. 4

tablished. The Emperors were empowered to make laws in whatever manner they thought fit; either by *Constitutions*, *Rescripts*, or *Edicts*, but the Roman people did not disengage them from the indispensable obligation of that just, primitive, and sovereign law, on which the common good of mankind is based. This limitation of the Imperial power by the people, as thus interpreted, is confirmed by the testimony of historians. Ammianus Marcellinus says, speaking of the revolution that had happened in the government of the State, that the Roman Republic, being in her declension, discharged herself of the public laws on the Emperors, as on her children, *acting in that like a good, prudent, and rich, and not like a senseless and unnatural mother.** Lactantius, speaking of the pride and insolence of the younger Maximian imitating the tyranny of the Kings of Persia, says, "After having conquered the Persians, among whom it was a settled custom that subjects should submit to a despotic domination, and Kings treat their people like slaves, this wretch would have introduced the like customs in the dominions of the Roman Empire."† In the fragment of *Lex Regalis* in the palace of St. John Lateran, it is said:—"Let Vespasian be empowered to do whatsoever he thinks fit for the advantage of the commonwealth, and agreeable to the majesty of things, Divine and human, public and private, as the Emperors Augustus, Tiberius, Julius Cæsar and Claudius, were empowered to do." The trust here confided is the same, it is contended, as that which is confided to an attorney who has general affairs to manage; to regulate them in such a manner as shall be best

* Lib. 14, cap. 16. † De Montibus. chap. 24.

conducive to the real interests of the parties for whom he has undertaken the trust.*

Besides the entire body of the Roman law, there were other foreign codes, which formed important elements in the progress of political science. These we shall briefly notice.

The *Salic Law* was not reduced to writing till about the seventh century, and was published by the Salian Franks who inhabited Belgium. But all the traditions of this and the following century go to prove that the code, in its unwritten form, had long been the common law of the people in this part of Europe. It embraces an immense mass of rules, enactments, and decisions, made by some individual, but without anything approaching to systematic order or arrangement. The greater part of it relates to the punishment of offenders against the law by pecuniary mulct or compensation. The law of debtor and creditor is laid down with considerable minuteness. The code likewise contains some constitutional or primary principles of government; two of which are important—that land should not be inherited by females; but only by male heirs—and the recognition of the independence of the people, both in judicial and legislative proceedings.

Some authors place the *Ripuary Code*, or system of laws, at a later date than the Salic. The principles and maxims of civil rights are, here, pretty fully developed, as well as those of criminal jurisprudence. Pecuniary compensation for offences, is universally insisted on. The Ripuary law was reduced to writing about the year 630, and is sanctioned by the authority

* See this matter learnedly handled by Granovius, in his "Oration on the Lex Regalis," Leyden, 1680.

of the King, (Dagobert,) the Prince of the state, and the Merovingian people generally. This code contains provisions for the legal enfranchising of slaves, which had at this time commenced, chiefly, however, among the clerical body. The code contains, likewise, some constitutional maxims of a liberal and enlightened character.

The *Burgundian Code* is dated anterior to both the Salic and Ripuary digests. It is said to have been published in 501, by Gondebaut. It contains a series of enactments on legal and legislative affairs; such as relate to civil contracts, marriages, the laws of inheritance, as well as that important privilege which this code enforces, that the Burgundians and Romans were to be placed, in the eye of the law, upon one and the same footing. This forms a striking feature in contrast to the Salic and Ripuary codes, which maintain the inferiority of the barbarian element to the Roman citizens. This Burgundian code existed for about two centuries after the conquest of the Burgundians by the Franks, which took place in the year 634.

The *Visigothic Code* is considered the most enlightened and improved of all the barbaric systems of law. It was first collected and digested by Euric, by whose authority the Gothic branch of it was published in the fifth century. Alaric II. furnished the Roman portion of it in 506. Both these divisions or parts, were moulded into one system in the seventh century, by the Visigoths who had settled in Spain, in 652. About half a century afterwards, great improvements and attentions were made in this code, chiefly by the clerical body; and it was formally published by the

Council of Toledo, in the year 693. It embodied constitutional principles of great value, and many enactments bearing on the organization and management of municipal institutions. The crown and the church were both considerably strengthened in their respective powers and privileges; but as a counterbalancing principle to the augmentation of these functions, the code placed the Barbarian and the Roman on precisely the same level, in point of civil and legislative rights.

The introductory maxims or statements, prefaced to the enumeration of the laws of this code, are worthy of particular notice. The first relates to the qualifications of a legislator, as a religious and moral being. He ought to be mild, and good; not in words only, but in deeds and in truth. He should be merciful and compassionate, and continually rule with the fear of God before his eyes. He must know nothing of anything save the public good.

It is also stated that law of all kinds should possess perspicuity and brevity, and be made as free from excessive refinements and contradictions as possible. It ought to be comprehensive, adapted to all places and times, and enacted for all ranks and situations of the people. If law be made to make manifest the things of God, and to show the rule of life; if it produce good manners, good government, and a love of justice; if it teach virtue, and prove a safeguard to the liberties of the people, national evil will be diminished, and the good and peaceable part of the community will dwell in social happiness and comfort; contentions will cease, and the unanimity which every way prevails, will enable the nation to overcome

every foreign aggression. Hence it may be affirmed that a wise and good legislator, and wise and just laws, mutually act and react upon each other. If the legislator be endowed with the requisite qualifications, both of head and heart, the laws cannot fail to be good and beneficial; from good laws arise good customs; from good customs harmony and peace; and on these rest real national happiness and security.

When laws are founded upon these principles they become obligatory on every member of the state, high and low, rich and poor. "God is the first law giver; His commands are imperative not only on men, but on angels; and if the celestial hierarchy itself is thus submissive to his decrees, with what reason can the most powerful of mortals refuse obedience? Where knowledge is to be acquired, ignorance can be no excuse. The prince is the heart of the body politic, but if the heart be diseased, the members cannot but be unsound; if he disregard the laws, he cannot rely upon obedience from others. As he is more interested than any other person in the well-being of the state, so ought he to be more diligent in fulfilling his share of the social contract."

In the second book respecting judges, the administration of the laws, and the forms of processes, it contains the following general summary. The duties of subjects towards each other, the preservation of their natural rights, and a redress of their grievances, constitute the leading objects, for which all law is instituted. The law ought not only to be good, abstractedly considered, but well administered. To obtain this end, it must be confided to a competent and responsible authority, under the designation of

judges. These civil functionaries, are to be appointed by royal authority, or by the governor of some local city or province. If appointed by the latter power, they must be surbordinate to those appointed by the King, who travel from province to province in dispensing justice, and upholding the laws. Both local and general judges of assize, may confide their powers to persons qualified to discharge the duties of their office; but if a person takes upon himself these duties, without proper authority, and is incompetent to the effectual discharge of his judicial functions, he must pay one pound of gold, and be answerable for his decisions; and the public officers who do his orders, shall be subjected to the punishment of one hundred stripes. To prevent this as much as possible, judicial responsibility must be defined with every degree of accuracy. If a judge be applied to for a process against any one, and the former, through partiality to the defendant, or any other cause, refuse to issue it, the plaintiff, by proving the neglect, subjects the judge to the same penalty, as would have been inflicted upon the defendant, supposing that he had been found guilty of the charge preferred against him. If a judge pass an unjust sentence, and deprive any subject of the realm of anything, that thing shall be restored, and its full value given to the person by the judge himself; and if the value of this thing be more than the judge can pay, he shall be mulcted of all his possessions; and if he be without any property at all, he shall be doomed to receive fifty stripes in public. Whatever expense a judge occasions by unnecessary delay, he shall pay out of his own resources. If a client entertain suspicions as to the

integrity of his judges, or conceive he is obnoxious to them, he may demand to be tried in conjunction with the bishop of the diocese, and if he be still dissatisfied with the verdict, he has another appeal to the governor of the province, or to the King himself; and if the judgment be unjust the judge shall be responsible for it; but if, on the other hand, the complaint be groundless, the appellant shall be condemned to the same penalty, or receive one hundred lashes before the same tribunal he has slighted. The fees of judges shall in no case exceed five per cent. on the value of the property under litigation; if more be taken, he shall restore it twofold, and loose all claims to reward. The share of the executing officers shall be one-tenth, and if the same is exceeded, they shall be subjected to the same penalties as the magistrates. Judges must be independent; and if they give a wrong or unjust decision through fear of the King, it shall be corrected, but the judge himself shall be screened from harm, by making oath that he committed wrong or injustice through the influence of fear, and not from his own will or desire. The bishops of God are to be considered as the especial guardians of the poor; and may demand of judges who have decided wrongfully, (whether wilfully or through fear) to re-hear the case before them, and if a refusal is given, the bishops may re-hear and decide the case without the judges; but the former are compelled to send written statements of the case, and of their amended judgment to the king, who has the sole power to confirm that decision should he think it right. Judges may be cited to appear before other judges, or before the king, or his deputy, to

answer whatever complaints may be brought against them.

In addition to these several codes, we must also mention the *Lombard Laws*, which were first reduced to writing by Rotharis, in the middle of the eighth century. This legal edict contains 386 laws; and some additions were afterwards made to it by his successors Grimwald, Luitprand, Rachis, and Astolpho. This code became very extensively known; and when compared with the barbaric systems, it has always maintained a decided preference, both for the perspicuity of its arrangements, and the justice and wisdom of its enactments. These laws being promulgated and abridged at the general assemblies and diets, there was naturally breathed into them, a liberal and popular spirit; and matters bearing on legislative principles of vital import, were considered with that due care and deliberation befitting their national importance.

CHAPTER VIII.

MISCELLANEOUS POLITICAL WRITERS, FROM THE CHRISTIAN ERA, TO THE END OF THE NINTH CENTURY.

Our object in this chapter is chiefly to notice some political writings which are neither directly connected with theological doctrines and discussions, nor with the general cultivation of the scholastic philosophy as a whole. These writings, though scanty, are nevertheless interesting, as connecting links in the progressive cultivation of political literature, as well as from the value of many of the abstract principles they contain, on the nature and origin of governments, and on constitutional polity generally.

In the times of our Saviour, and indeed both before and after, there were speculative and philosophical sects in the east who paid marked attention to political doctrines, and propounded theories of government on certain views of the nature of the social contract. The Essenes were one of these sects. Philo, Josephus, and Pliny, give some details of their opinions on political and civil institutions. The Essenes were smitten with a love of Arcadian simplicity and innocency of life. As a grand means of fulfilling this day-dream, they maintained the doctrine of a perfect community of

goods. They had no towns, but were scattered throughout the entire land of Judea; and when they wandered from place to place, were supported by the voluntary and gratuitous contributions of the faithful of the community. They never looked beyond the possession of the mere necessaries of life. The amassing of wealth they thought criminal, and so likewise were their views on war. Regal government they considered a direct and flagrant usurpation; and trade and commerce they held to be the great incentives to avarice, luxury, and degeneracy of character. All men were free and equal, and were united by the ties of a common nature and a sympathetic affection. Servitude and slavery were both abhorrent to their views. Members living in any particular locality assembled under one roof, and, like the inhabitants of Sparta and Crete, had their food in common. The Essenes practised the utmost simplicity in dress, and were punctiliously pious and grave in their deportment. Marriage was not considered creditable; and their numbers were recruited from converts, and the adoption of children, who were carefully instructed in their own peculiar opinions and usages. On this point of marriage, there were, however, differences among them; some considering it both lawful, and necessary. The subject of education generally was in their eyes of great importance. Their system of tuition was confined chiefly to the strengthening and invigorating of the body by exercise and proper diet, and to the cultivation of the moral sentiments and affections. Philo tells us that "they formed themselves to sanctity, to justice, to domestic economy, and to social duties, by regulating themselves upon three principles which con-

tained all their doctrines;—*Love of God, love of virtue, love of mankind.* Their love of God proved itself by their purity of life, by their chastity, and by the anxiety which they displayed to fulfil all their relative duties to the Deity. Their love of virtue displayed itself sufficiently in their contempt of wealth, of pleasure, of vain glory, and also in their patience, in their frugality, in their temperance, in their simplicity, and in their respect for the laws; while their love to their neighbours they proved by their benevolence, their equity, their charity, and by a system of community in which there was no interest to be covetous."

ONOSANDER, a Greek writer, who flourished about the middle of the first century, wrote several commentaries on the political works of Plato. These have not come down to our time. They are reported, however, to have been all labours of considerable merit.

PHILO THE JEW.—This author flourished in the first century of the Christian era. He was the author of several works; but those which relate to the laws of Moses, are the only ones we need here allude to. These are divided into several books; but the general scope of the author's political ideas is, that the laws of Moses, in all their general and fundamental attributes and characters, are the only sound and true ones; and for this grand and paramount reason, that they perfectly harmonize with the moral and religious nature of man, and their observance is attended with the most happy consequences to himself, and his fellow-men.

On the mode of choosing a King, Philo makes some curious remarks, for the times in which he lived. "Some have desired," says he, "that Princes should

be established by lot, and by the collection of ballots, and have introduced this form and method of election, which is in no way profitable to the people, inasmuch as ballot shows good luck rather than virtue. Many have arrived, by this means, at authorities of which they were totally unworthy—rascals, whom a true Prince would reject and refuse to own as his subjects; for, noblemen of high honour will not take into their service all the serfs that are born in their houses, nor all those they have bought; but those only that are obedient and ready to execute their will. The rest who are obstinate and incorrigible, whom they cannot bring under discipline, they sell by auction in troops, as unworthy of a gentleman's service. It is not, therefore, fitting to constitute as lords of cities and nations, those who have got possession of the government by lot or ballot, which is a deceitful and slippery thing, and dependent upon inconstant fortune. When the question is the cure of the invalid, lot is not spoken of; and physicians are not chosen by lot, but are approved by experience. So when we wish to make a prosperous and happy voyage by sea, the crew do not select a pilot by lot, and send him immediately to the helm, for fear, lest by his ignorance and rashness, he should cause them shipwreck, even in calm and peaceful weather, and thus destroy the lives of all on board. But he is chosen who is known to have learned studiously, from his youth, the art of piloting vessels; who has often made voyages, and has traversed the majority of seas; who has sounded the depths and shallows, and is acquainted with the various ports and havens. It is even so in the government of great states, and the

management of public and private, sacred and secular affairs. Government,is the true art of arts, the science of sciences, in which it would be most unreasonable to regulate our measures by the eccentric courses and irregular motions of fortune. The sage legislator, Moses, therefore, well considered this evil; for he has nowhere mentioned this method of ballotting for a magistrate; but he approves of that only which is made by open election and suffrage of the people; and for this reason he says—"The Prince you shall establish over you shall not be a stranger, but one of your brethren;" shewing by this, that the election ought to be a matter of rational preference, exhibited by the votes of the people, with full knowledge of the character and disposition of him they choose and appoint."

The Alexandrian school of philosophy, distinguished as the general emporium of learning for many centuries after the christian era, did not cultivate political literature with any great ardour, or to any great extent. Its philosophers were more immediately engaged in purely theological and metaphysical disquisitions. But such pursuits naturally brought them to the confines of politics, and led them to give, on certain occasions, a passing notice of some of the leading principles of general government. As far as their opinions can be ascertained, and generalized, it would seem, that they considered the great maxims embodied in all civil rules and institutions to rest upon a purely moral and theological basis. This was essentially manifested in the writings of those who adhered to the leading principles of Plato's political philosophy. They conceived that man was bound to man, in all his

public relations, by the tie of certain elementary and intuitive conceptions, forming an essential part of the intellect itself, and having their root in the nature or essence of the Divine attributes themselves. The government of man was, in fact, a correct type, though marred and disfigured to a certain extent by the imperfections of his nature, of the government of the Deity; and such rules and maxims as appertained to the one, were, under certain prescribed limits, applicable to the other. On the other hand, some of the Alexandrian sages paid little regard to these transcendental ideas of human institutions. They were more inclined to support the selfish and utilitarian hypothesis of what was right, expedient, and just, in social and political matters. This branch of human knowledge was likewise considered by those of a decided sceptical turn of thinking, as resting on very uncertain and capricious grounds, and to be in a great measure excluded from the ranks of a fixed and regular science. Indeed, in this celebrated school of thought, there was a perfect medley of every system, relative to matters of human nature; and politics, among the other branches of knowledge, naturally partook of this general license and diversity of opinion and sentiment.

PLOTINUS was a great philosopher in his day, viewed political relations through the medium of morals, and coincided with the general doctrines of Plato. He was so deeply enamoured with the republic of this Grecian sage, that he succeeded in inducing the Emperor and Empress Salonin, both of whom had a profound esteem for him, to permit him to make an experiment of the government of Plato, in one of the cities of Italy. We are told, however, the design

proved abortive; although Plotinus by his enthusiasm for the Grecian system of politics, spread the knowledge of them far and wide in his own day.

Proclus wrote commentaries on the laws of Plato, but there are only a few fragments of them now extant in Greek. Sindas mentions four books of Proclus, on Plato's politics, and some dissertations on these writings, were found, according to Fabricius, in the library of Lucas Holstenius. The chief design of the commentaries is, to unveil the theological mysteries interwoven with the legislative philosophy of the Greeks.

Porphyry.—In a fragmentary piece of this author, discovered in the Ambrosian library of Milan, in 1816, by the librarian, Angelo Maio, and immediately published by him, we find a philosophical examination of law in general. Porphyry divides it into natural, civil, and divine. All the leading doctrines of the Grecian sages, are here to be found.

Isidorus, Bishop of Seville, treats of politics. He flourished in the seventh century. His political opinions are contained in his fifth book, which is divided into thirty-nine chapters. The Bishop enquires into the origin of constitutional maxims, and the legal authority of government enactments generally. These all rest on the natural law, which again is based on human nature. Laws of every kind may be divided into two great divisions—the laws of God, and the laws of man. The author likewise points out the difference between laws and morals; defines what is natural and what is civil law; and then goes on to enumerate in detail what are the elementary or constituent parts of a government commonwealth.

He makes many judicious and acute remarks on the differences arising out of the nature of civil, ecclesiastical, and military law.*

In this century there is a work attributed to Julian, Archbishop of Toledo, particularly directed against the sin of Slavery. He shows that it is contrary to all the fundamental notions of justice and humanity, and expressly condemned by the principles of christian polity.†

After Isidorus, of Seville, we come to Gerbert, (Silvester II.,) who, in his several epistles, shows that he had thought deeply and wisely on many of the branches of political knowledge. His leading views on the science of society rest on two grounds,—the law of nature, and the law of God, or the church. In his 87th epistle we find him making mention of the *Republica* of Cicero, in these words, addressed to Constantine, the Schoolman, "Take care of yourself, and also of the writings of Cicero on the Commonwealth, those against Veres, and others, which the father of Roman eloquence wrote in defence of so many of his countrymen."

Boethius.—This celebrated and unfortunate philosopher and statesman has the following remarks on *Tyrants*, in his *Consolations of Philosophy*. "The kings whom you see sitting on the lofty elevation of the throne, splendid with their shining purple; hedged with dismal weapons; threatening with grim countenance; are breathless with the rage of the heart." * * * "If from these proud ones any one should draw aside the covering of their gaudy apparel, he will see that the lords are bound with chains within."

* Opera Paris fol: 1601. † Florez Espana Lugrada Tom, 5.

* * * "For here greedy lust pours venom on their hearts; here turgid anger, raising its waves, lashes the mind; or sorrow wearies her captives; or deceitful hope torments them." "Since, then, you see that one head has so many tyrants, pressed by their iniquitous sway, it performs not what it wishes." "Biting cares will not quit him while he lives, nor can his trivial riches accompany him when dead."*

There is an allusion to political science in the *Bibliotheca* of Photius, who flourished in the eighth century, and who lived at Constantinople. He says—"I have read a work on politics, in which are introduced two persons conversing; the patrician Menas and Thomas the referendary. This work contains six books, and presents a new form of political society, different from all the ideas entertained by the ancients, which is called the government of justice. As to the essence of this new government, it is composed, according to these two interlocutors, of royalty, aristocracy, and democracy. The re-union of each of these elements, taken in its purity, ought to form the best political constitution."

It has been conjectured, that the work here alluded to by Photius, may have been a translation of the *De Republica* of Cicero.

The following are King Alfred's thoughts *on Tyrants*, illustrative of the views and sentiments of Boethius.

Hear now one discourse
Of those proud,
Unrighteous
Kings of the earth,
That now here, with many
And various garments,
Bright in beauty,
Wondrously shine
On high seats;
Clothed in gold

* Lib. 3, 4.

And jewels.
Without these stand around
Innumerable
Thegns and earls
That are adorned
With warlike decorations;
Illustrious in battle;
With swords and belts
Very glittering;
And who attend him
With great glory.
They threaten everywhere
The surrounding
Other nations;
And the lord careth not,
That governs this army,
For either friends' or enemies'
Life or possessions;
But he, a fierce mind,
Rests on every one,
Likest of any thing
To a fierce hound.
He is exalted
Within in his mind
For that power
That to him every one
Of his dear princes
Gives and supports.
If men then would
Wind off from him
These kingly ornaments,
Each of his garments,
And him then divest
Of that retinue
And that power
That he before had,
Then thou shouldest see
That he would be very like
Some of those men
That most diligently
Now, with their services,
Press round about him.
If he be not worse
I think he will be no better.
If to him then ever
Unexpectedly, chance should happen
That he should be deprived
Of that glory, and garments,
And retinue, and that power
That we have spoken about;
If from him any of these things
Were taken away,
I know that he would think
Then he was crawling in a prison,
Or indeed bound with ropes.
I can assert
That from this excess of every thing
Of food and clothes, wine, drinks,
And sweetmeats,
Most strongly would increase
Of that luxuriousness
The great furious course.
Much disturbed would be
His intellectual mind.
To every man
Thence must come
Extraordinary evils,
Extraordinary quarrels;

Then they become angry.
To them it happens in their hearts
That within are afflicted,
Their thoughts in their minds
With this strong fire
Of hot-heartedness,
And afterwards fierce sorrow
Also bindeth them
Hard imprisoned.
Then afterwards beginneth
Hope to some
Greatly to lie
About that revenge of battle
Which the anger desireth
Of one and of the other,
It promises them all
Which their contempt
Of right may enjoin.
I told thee before
In this same book,
That of the various creatures
Each single one
Some good
Always desired
From his own
Ancient nature;
But the unrighteous
Kings of the earth
Cannot ever
Accomplish any good
From the evil
That I have mentioned.
It is no wonder,
Because they love the vices
Which I named before,
And to which only
They are always subject.*

King Alfred's notion of Kingly Power.

"If then it should ever happen, as it very seldom happens, that power and dignity come to good men, and to wise ones, what is there then worthy of pleasing is the goodness and dignity of these persons: of the good king, not of the power. Hence power is never a good, unless he be good that has it; and that is the good of the man, not of the power. If power be goodness, why then is it that no man, by his dominion can come to the virtues, and to merit; but by his virtues and merit he comes to dominion and power? Thus no man is better for his power; but if he be good, it is from his virtues that he is good. From his virtues he becomes worthy of power, if he be worthy of it."

Alfred's notions of the Principles of Government.

"O Reason! thou knowest that covetousness, and the possession of this earthly power, I did not well like, nor strongly desired at all this earthly kingdom, except—Oh! I desired materials for the

* See Turner's Hist. of the Anglo-Saxons.

work that I was commanded to do. This was that I might unfractiously, and becomingly steer and rule the power that was committed to me—What! thou knowest that no man may know any craft nor rule, or steer any power without tools and materials. There are materials for every craft, without which a man cannot work in that craft.

"These are the materials of a king's work, and his tools to govern with; that he have his land fully peopled; that he should have prayer-men, and army-men, and work-men. What! thou knowest that without these tools no king may show his skill.

"These are also his materials, that with these tools he should have provision for these three classes; and their provision then is, land to inhabit, and gifts, and weapons, and meat, and ale, and clothes, and what else that these three classes need; nor can he without these keep his tools; nor without these tools can he work any of those things that it is commended to him to do.

"For this purpose I desired materials to govern that power with, that my skill and power might not be given up and concealed. But every virtue and every power will soon become oldened and silenced if they be without wisdom. Therefore no man can bring forth any virtue without wisdom: hence whatsoever is done through folly, man can never make that to be virtue.

"This I can now most truly say, that I have desired to live worthily while I lived, and after my life to leave to the men that should be after me a remembrance in good works."*

* "Alfred, like another Theodosius, collected the various customs that he found dispersed in the kingdom, and reduced and digested them into one uniform system or code of laws, in his *dome-book*, or *liber judicialis*."—*Blackstone.*

CHAPTER IX.

ON THE ILLUSTRATION OF THE POLITICS OF THE OLD TESTAMENT IN THE TWELFTH CENTURY.

As an interesting item in the history of political literature in the middle ages, we shall here hazard a few brief observations and statements on the commentaries of the celebrated Maimonides on the *Laws of Moses*, in the middle of the twelfth century. A few introductory remarks will be required to bring the historical sketch of the Jewish law before the reader's attention in a connected form, from the days of our Saviour, where we left it, at the termination of our first chapter, to the time when this learned Jewish writer and commentator undertook his great work of a revision of the entire code of Jewish jurisprudence.

In the first century of the Christian era, considerable additions were made to the *Oral-Law*. The historian, Abendana, gives a copious account of the heads of colleges, who ingrafted on this system of law, a multitude of mystical, allegorical, and cabalistical fictions and comments. Rabbi Nathan, the Babylonian, wrote a work, entitled "*Pirke avoth*," which combined a large body of the *moral apophthegms*, and *pious sayings* of the Fathers of the Jewish Church, and

which was so highly esteemed, that it was deemed worthy of insertion in the body of the *Talmud* itself.

In the reign of the Roman Emperor, Antoninus Pius, and in the year 153, Rabbi Juda was elevated to the two-fold dignity of Ruler of the Synagogue, and President of the Synedrim. The Jewish people being afterwards exposed to the cruelties of Vespasian, and to the heartless edicts of Adrian, the study of the law fell into desuetude; so much so, that this learned Doctor was apprehensive, that the force of persecution would entirely efface the remembrance of Oral Tradition from the minds of his brethren. He, therefore, determined to digest and reduce the whole to writing. He commenced his labours from the period in which the great synagogue was established by Ezra, and with incredible labour and patience, collected and methodised all the "Constitutions," "Interpretations," and "Decisions," that had hitherto been recognised by the bulk of the nation, and carefully amalgamated them into one code, which he termed the *Misna*, or *Mischna*. This important compilation was completed in the year 218.* It is distributed into *six* general heads called *Sedarim*, or *Orders* or *Classes*.

On its publication, this interesting code was received with enthusiastic admiration by a select body of the learned; and was universally recognised both in the land of Judea, and in Babylonia, as a full and authentic body of the whole Jewish law. Being, however, chiefly composed of Aphorisms, and brief sententious statements, it began to be considered as improvable by giving explanations of them. This opened the door to great abuse, and soon led to the

* Lardner and Prideaux say it was finished in the year 150.

almost entire obscuration of the original work. A class of commentators and expositors, called the *Gemarical Doctors*, reared such a body of illustrations, opinions, and doctrines on the *Mischna*, that all common sense was outraged, and the digest fell into general contempt and neglect. These doctors, were, as the poet describes.—

> "For mystic learning wondrous able,
> In magic, talisman, and cabal,
> Deep-sighted in intelligences,
> Ideas, atoms, influences."

Many public academies or schools were founded in cities of the East, to teach this system of mysticism; the office of the teachers, as Abendana tells us, being "to cull out such, or such propositions, and to debate them among themselves, in order to fix a true, and certain sense upon them." The chief of these institutions of education were those of Babylon, Nahardea, Sippara, Sarana, and Pombeditha, in Babylonia; Jerusalem, Nars, Tiberias, and Jamnia, in Judea. Some of these schools existed for nearly *eight hundred* years.

In the year 230, Rabbi Johannus became President of the Synedrim, and Rector of the School of Jerusalem, and made another digest of comments from the several Israelitish Schools, which was added to the *Mischna*, and called the *Jerusalem Talmud;* the word Talmud signifying learning or wisdom. A similar compilation was made from the Babylonian Academies. But upon the dissolution of Palestine, the study of the law was almost entirely transferred to Babylon; a circumstance which contributed to increase the seminaries of education there to a great

extent. In the year 369, Rabbi Ase was appointed to the Rectorship of the School of Sarana; and he undertook the herculean task of collecting and methodising all the Disputations, Interpretations, Elucidations, Commentaries, and Conceits of the Gemarical Doctors; but after labouring sixty years, he succeeded only in arranging thirty-five books, and died in 427, leaving the residue of his unwieldy task to his successors.

The labour of arranging and digesting proceeded however, from one race of learned doctors to another; till at last, in the year 500, the Rabbi Abina, the sixth in succession from Rabbi Ase, brought to a close the *second Talmud.*

The Judaic law became from these numerous digests or compilations, altogether unintelligible. It remained in this state for six centuries, when Maimonides undertook to throw light and consistency upon it.

This distinguished man was born at Cordova, in Spain, in 1139. He laboured nearly twenty years on the Laws of Moses, and died in the seventieth year of his age.

Maimonides was led to consider utility, or ultimate goodness, to be the foundation of all law and government, even of the divine law itself. He was induced to enter into this question from the circumstance, that up to his own day, it had been an universal and absolute rule among the learned Jewish doctors, never to institute any inquiries into the *reasons* of the Jewish code. Their maxim was, "It is a decree of the king, and it is not for us to search for its reason." They, therefore, contented themselves with the mere facts connected with the declarations and provisions of

the law. Maimonides thought there was no necessity for the rigid adherence to this rule; so he ventured at once to lay open the whole question, and to maintain from the general scope and tenor of the legal and national institutions of the Jews, that utility or goodness was the final cause of its adoption. On this point he observes:

"There are people who object to the assigning of a reason for any law whatever, and according to them it is best not to institute any inquiry into the cause of any law or warning. This objection proceeds from unsound minds which possess no clear consciousness of the motives for this objection. They imagine that if these laws have a useful discernible object which induced God to command them, then they resemble such as are given by human beings, and might have been given by them. But if no objection can be discovered and no advantage assigned, then are they doubtless from God, for a human mind would not have fallen upon such things. These weak-minded reasoners imagine man more perfect than their Creator, inasmuch as they think that man would command nothing without purpose, while God would command that which is useless, and caution against things the practice of which is harmless. Away with such an idea. Precisely the reverse is the case, and the object of all laws was to procure some advantage, as we have explained the text, 'to do us good all the days, to keep us alive to this day.' Scripture further says, 'that they (the nations of the earth) may hear all these statutes and say, a wise and understanding nation is this great people.' Scripture thus says, that even the statutes will teach the nations that they are founded

on wisdom and knowledge; and if the laws have no motive, if they serve no object, bring no advantage, and avert no mischief, why should the believers or practisers be considered as a great and wise nation? But the matter is undoubtedly as we have stated viz.: the object of every one of the 613 precepts is either to convey some correct notion, to remove some erroneous opinion, to accustom to some good order, to prevent iniquity, to inculcate good habits, or to caution against bad habits; and they may be reduced under three heads, intellectual, moral, and social qualities. Every law therefore tends either to promote social virtues, or to diffuse true knowledge or morality."

Maimonides, in speaking of the gradual development of civil and political knowledge and institutions, remarks, that we are apt to imagine, that the Divine government might accomplish its end by more direct, and prompt means than what we see manifested in the history of our race. He lays down the principle, however, that as little as the Deity allows nature to take sudden leaps in the physical world, and has ordained a gradual employment of means of which every act is preparatory for the next, so little does he ordain sudden transitions in the social and moral world. After having exemplified this by numerous instances from the material world, he remarks that, "a similar line of conduct did God pursue in many commandments of the law, and in many constitutional customs and usages among his people; for sudden transitions from one extreme to another, seem impossible from the political and social condition of mankind. Accordingly it is found to be impossible for man to leave at

once all the things to which he has been accustomed. For example, the universal custom and mode of worship in which people were brought up was, to bring sacrifices into the temples, there to place idols, to worship them, and to burn incense before them. Now the Divine wisdom, manifest in all creation, did not abolish, and command us to lay aside, these modes of worship, for this would have been repugnant to human nature, which always follows habit; this would have been as if some prophet were to come in our days, who, with respect to divine service, was to announce that God commandeth that we should not pray to him, not fast, and not seek his help in time of trouble; because that we should let our service be one of the heart, without any outward show or form whatever. For this reason these kinds of worship were to continue; God only transferred them from imaginary or created beings to himself, and commanded us to preserve them, to erect a sanctuary, to build an altar, and to offer sacrifices to Him. Thus it was, that by His divine will, idolatry was abolished, and the great principle of the existence and unity of the Deity established among nations, so intimately connected with their political privileges and prosperity; and hence, also, it was, that those persons who would have been startled by the abolition of the mode of worship to which they had been used, and who were not acquainted with, or instructed in any other, were not rebellious or refractory."

Maimonides was not merely a compiler or digester of laws, but he took a profound and philosophical view of their first principles; so much so, that he rose far above all his learned predecessors, and up to the

present day, he has no competitor as a Rabbinical writer. He was an original thinker, as well as a sagacious commentator. He probed to the bottom the entire philosophy of nations; and his reasonings and opinions were so just and important, that he was a great favourite with the most subtile and active minds who figured in the Scholastic ages. For many centuries, his writings were appealed to, not only on matters relating to the laws of Moses; but likewise for the valuable principles and illustrations scattered through them, in every direction, on the abstract nature of legal and civil polity generally. For simplicity, elegance, and perspicuity of style, and for methodical arrangement, the Digest of Maimonides is allowed by Claveringius and Prideaux, to vie with the Roman Civil Code, and with every other legal system known in his day.

The intellect of Maimonides was at once capacious, active, enterprising, and tenacious. It was singularly fitted to penetrate into the most profound and sublime speculations.

As a specimen of the clear and popular mode of commenting on the Laws of Moses, adopted by Maimonides, we may refer to the dissertation on the *Rights of the Poor*. This contains ten chapters; and the whole has been rendered into the English language, by Mr. Peppercorne, London, 1840.

For nearly a century and half after the death of Maimonides, his philosophical writings on the abstract nature of law, and his views on the human soul, were subjects of keen and bitter controversy among the Jewish Doctors, in all parts of the continent of Europe, and likewise in the chief seats of learning in the East.

CHAPTER X.

THE POLITICAL LITERATURE DIRECTLY EMANATING FROM THE SCHOLASTIC PHILOSOPHY, FROM 1000, TO THE YEAR 1400.

The Scholastic philosophy, taken as a whole, was more of a theological and mental, than of a political character. As it treated, however, at some length, and under various theoretical aspects, of the leading principles of ethics, we find more or less attention given to the fundamental maxims of civil government, by the most learned and distinguished of the scholastic writers.

Almost all the Scholastic thinkers took Aristotle's politics as a guide or text book; qualifying, however, many of his principles and views by the direct declarations of Scripture, or the ritual enactments of the Jewish Law. There are very few of these authors who do not touch on some of the more important axioms of political science; though they may not enter very formally into their full illustration and development. On this account, politics, as a science, appears in the voluminous writings of these philosophers, as occupying a very subordinate rank in their subtile discussions. And this, in a certain sense, is

true; for, as we have just noticed, religious and metaphysical inquiries were invested in their eyes with a more lively interest, than the principles of the social contract. But still, it must be remembered, that the grand object of all scholastic discussions for many centuries, was *man;* and this necessarily led him to be viewed sometimes in his social and political, as well as in his theological and mental character.

It must be borne in mind, that the scholastic writers greatly aided the cause of religious and civil liberty and enlightenment, by their claiming unreserved intellectual discussion. They laid down the principle, that human reason was adequate to enter upon the examination of all political questions, as well as upon others connected with every branch of human enquiry. We have direct testimony to the growing spirit of mental liberty in the declarations of Abelard, who tells us, in his, "*Introduction to Theology*," that his pupils demanded him to give them "such philosophical arguments as were fit to satisfy their minds; begged he would instruct them, not merely to repeat what he taught them, but to understand it; for no one can believe that which he does not comprehend, and it is absurd to set out to preach to others concerning things which neither those who teach nor those who learn can understand."

The scholastic philosophy gave a unity of design, and a scientific arrangement to political speculations, with which they had not previously been invested, since the days of Plato and Aristotle. The schoolman took up the science of government, and formally installed it as a distinct branch of knowledge in their collegiate curriculum. This exercised a great and

marked influence, both directly and indirectly, on its future progress and prospects. Its principles were more gradually and distinctly separated from the other elements of human nature; they were more minutely scrutinized, and more fully illustrated and tested by appeals to well established facts and observations. Students in all the popular universities in Europe, carried along with them, in conjunction with other special objects of learning and study, many of the primary elements of civil polity; and these, like good seed, thrown into a favourable soil, often yielded a valuable return to the common stock of useful knowledge on what was most important to the community at large. The leading maxims of political philosophy came likewise to be viewed under various aspects; truth was elicited by discussion; and information extended and applied to existing circumstances, by repeated attempts at scientific classification, and methodical arrangement.

The scholastic speculations on politics were of an abstract or transcendental character. Fact and observation were but of a secondary import in the eyes of the schoolmen. They uniformly conceived there was a wide and palpable distinction between experiment, and those vital principles by which they are rendered intelligible, and converted into a constituent portion of our mental knowledge. Politics, when viewed from a certain point, seem to resolve themselves into a series of active and impulsive instincts, which guide mankind, in their complicated and aggregate unions, to secure and maintain both their individual and collective existence; and to a certain extent a knowledge of those instinctive desires and feelings is indispensable

to both the theoretical and practical politician. But the entire spirit of the scholastic philosophy stoutly maintains, that they by no means constitute the science of government. This is baised on abstract and intuitive principles, chiefly of a moral and theological cast. The instinctive impulses of nature, which enter so largely and generally into all political and social manifestations, can never form a science; they cannot yield a single rational idea or conception. The material elements with which the scientific politician has to deal, are merely like the stones destined for the erection of a building, which can be reared into a noble and useful structure, only by the constant presence and action of an exalted and harmonious conception in the mind of the designer or architect. This mental or spiritual principle is the life and soul of political reasoning and science; and it is only by its gradual development that mankind can, in the opinion the Scholastic Doctors, improve their civil and social institutions, and make positive advancement in the path of intelligence, morality, and social enjoyment. They every way propound the maxim, in their several publications, that sound philosophy of government must ultimately rest on just and adequate ideas of the Divine Author of the Universe, viewed in relation to these abstract conceptions of right, obligation, and duty, which He has implanted in the human breast.

The range of the scholastic politics, was necessarily, however, narrow and confined, both from the limited sphere of the schoolmen's general studies and modes of thinking, and likewise from the want of the art of printing. These causes materially retarded the progress of knowledge on public questions, and on

important and vital maxims of state policy. These were often locked up in the cloisters of the learned and studious for centuries, before they came into contact with the understandings of the community. This was one of the inevitable results of the external circumstances in which the schoolmen were placed.

In the early part of the scholastic history, we do not find that political dissertations form a very prominent portion of the discussions of the learned doctors. From Rabanus Muras to the days of Abelard, we find little or nothing in the shape of political literature. The leading principles of polity were dwelt upon, in the course of education, but the illustrations of these principles were scanty and of a very meagre cast.

Roscelin was a native of Brittany, and Canon of Compiegne. His genius was of a very comprehensive and subtile character; and he was greatly esteemed even by his adversaries. By the decisions of a council held at Soissons, in the year 1092, he was condemned for Tritheism. There are no proofs of his ever having publicly taught at Paris, or that he gave public lectures at any other place. But he had the honour of directing the studies of Abelard, and to form his philosophical opinions. Mallet, in his life of Lord Bacon, mentions that Roscelin was an Englishman; probably from taking Brittany for Britain. Very few particulars of his life are known.

Hugh St. Victor.—In St. Victor's *Annotations* on the Epistle of St. Paul's to the Romans, the general bent of his political opinions may be gathered. He enters into the abstract ideas we have of good and bad measures. These are derived from that *natural law* which is implanted in every man's bosom, but which

is in all cases defaced more or less by his fallen condition.

GILLES DE ROME.—There is a manuscript volume of this author in the *Bibliotheque du Roi*, Paris, entitled, "Government des Rois et des Princes," which is said to have been translated into French by Henry de Gouchy. The plan of the work is thus laid down by the author. "In our first book we shall teach how Kings and people ought to govern themselves according to the principles of reason. In the second, we shall show how they should govern themselves, their wives, their children, and their households. And in the third place we shall point out how they should both conduct themselves in times of peace and war, and how they should regulate their cities and kingdoms."

ÆGIDIUS COLONNA.—This scholastic in his *de Regimine Principium*, maintains the validity of the intuitive ideas men have of justice and equity; and he says without them, it had been impossible for mankind ever to have recognised the existence and value of general ideas of government, and law.

ALBERT THE GREAT, maintained that the mere abstract truth of any political proposition whatever, was not always to be taken as an infallible guide to immediate and permanent legislation. Apart from the naked character of the truth, there are a host of distinct powers of the intellect and heart manifesting themselves in political communities of men, which are powerfully affected in various degrees by the external relations of things, and which the bare nakedness of a political maxim does not reach. The consciences of men, their affections, their reason, their sensitiveness

to dishonour and coercion, their desire of glory and happiness, their benevolent affections and sympathies, their ideas of what is good, just, expedient, praiseworthy, and practicable, are all matters for the contemplation of the politician; and all matters which lie in vast abundance on the surface of society, and become living and active agents of varied intensity, on every symptom of change and innovation. Truth in politics becomes, therefore, hedged about with a peculiar sacredness, altogether apart from its own abstract character as truth. It is truth in relation with many things—and not truth barely contemplated in its own naked or isolated character.

The speculations of Albert on political questions, are contained in eight books. In the first, the author enters into a consideration of the abstract nature of all political power; and into the various divisions into which it is parcelled out by different nations. In the second book, he discusses and analyses the ancient systems of government, as exemplified in the histories of the Egyptian, Carthagenian, and Grecian States. Here the reader will find much interesting and valuable knowledge. The third book is devoted to inquiries into the abstract nature and origin of social combinations; and he points out what appears to him to be the real foundations, and leading characteristics of the Republican, Aristocratic, Oligarchical, Democratic, and Regal forms of government. We have the same subject continued in the fourth book, accompanied with more minute and specific details of each of these forms of civil polity. The particular theory of politics propounded by Aristotle, is here minutely examined. The fifth book contains an examination of those

causes which derange all kinds of political power; and how these become modified and neutralized, in the several kinds of government just enumerated. The sixth book is appropriated to a discussion on the ends or final purposes of all kinds or species of government. He discusses in the seventh book, those active means which are to be put into requisition for the attainment of the purposes of a good and intelligent government. Among these means, Albert lays great stress on national education. The eighth, and concluding book, contains an enumeration of those pursuits and mental acquirements, which exercise such a beneficial influence on the body politic; and which an enlightened legislator will take especial care to arrange and diffuse among all classes of the community.*

JOHN OF SALISBURY.—The political opinions of this learned scholastic will be found in his *De Nugis Curialium*. In the first book he lays down the general principles of all political speculation, with considerable care and fulness. In the fourth book he treats of tyranny and oppression, and shows that all political systems grounded on these maxims of misrule, proceed from the most erroneous ideas of the nature and purposes of a Commonwealth. The republics of antiquity are discussed with great acuteness; and, in page 390, in the eighth book, we have an illustration of what tyranny is, in the history of Nero and others.

This scholastic stoutly defends the temporal power and supremacy of the pope. He says, "the prince is the minister of the priests, and their inferior. He receives the sword from the hand of the church, as that cannot hold the sword of blood, but uses it through

* Opera, Rome, 1691.

the hand of the prince, on whom it confers the power of coercing the bodies of men. The temporal power exercises that part of the sacred office which seems to be unworthy of the hands of the priesthood." He likewise affirms that it is justifiable, and even a glorious thing, to kill a political tyrant.*

ST. BERNARD was tolerant and liberal in his political sentiments, and a friend to the principles of civil and religious toleration. "Faith," says he, "is produced by persuasion and argument, not by restraint. The patrons of heresy are to be assailed, not by arms, but by proofs. Attack them with the word, not with the sword."†

THOMAS AQUINAS.—This learned man obtained the name of the *Angelic Doctor*. He was undoubtedly the most distinguished philosopher of the second stage of the scholastic controversy. His Secunda Secundæ, continued for more than three hundred years after his death, to be the ethical code of Christendom. No work of a mere private individual ever had so many and such learned commentators. The able and clever Erasmus, considered Aquinas superior in genius and erudition to any man since his day; and Vives declared him to be the soundest writer among all the schoolmen.

It is impossible to enter into a complete analysis of all the famous works of this doctor, which bear more or less on political science. His *Summa Theologica* would require many pages even to enumerate all the important doctrines it discusses. His entire works extend to *twenty-three* volumes folio. The opinions he

* De Nug: Curial: b. 4, c. 2.

† Hæretici capiantur, dico non armis, sed argumentis. Aggredere eos sed verbo, non ferro. Sermon 64. See also Opera, Paris, 1689, 2 vols. folio.

expresses on ordinary political topics may be gathered from his commentaries on Aristotle, under the following heads,—*On the ten books of Aristotle's Ethics, and On the eight books of his Politics.*

From several parts of the writings of Aquinas, we distinctly recognise that the science of politics, agreeably to his conceptions of it, rested entirely on the abstract principles of human nature, and derived little or nothing, in the way of illustration, from the external sphere of nature. The senses do not teach us the great living and general elements of social philosophy; they are only cognizant of parts of it, not as an entire and perfect whole. It is chiefly in the moral and religious elements that we are to seek for the full development of political government. It is here that man is viewed in his totality, and in connexion with the great truths of his social and aggregate existence, which must be brought home to the understandings of mankind, by considering them in relation to this unity of being.

The moral attributes of our nature all manifest a direct reference to our social state. They constitute the measure of our capacity; but experience can never be perfect, since human capacity, however enlarged, is still susceptible of further improvement and knowledge. It is in this progressive state that the moral powers come into full play and exercise. They are the laws impelling the reason and intellect to the acquisition of political wisdom and knowledge—wisdom and knowledge in their highest state—as embracing the general interests of humanity. The philosopher and the philanthropist likewise require the highest exercises of the mind—unity, perfection, and

integrity of purpose. These powers are brought into requisition in the development of the principles of political justice in all their extensive and minute ramifications. There is a rule of duty for the individual, and another of a more comprehensive character for nations and communities; but both rest on the great law which the Omnipotent himself has written on the fleshy tables of the human heart; and which are of such an enduring nature, that they cannot be effaced unless by the breaking of the very tables themselves.

Notwithstanding the many valuable principles of government developed in the writings of Thomas Aquinas, he was not a friend to the rights of private judgment. He supported the high maxims of theological supremacy, so generally acknowledged in his day. "Heretics," says he, "may not only be excommunicated, but righteously killed. Such the church consigns to the secular arm, to be exterminated from the world by death."* Schismatics may, according to his judgment, be compelled by force of arms to return to the profession of the faith.† For, alluding to the toleration of the early christian church, Aquinas remarks that the church in its infancy, tolerated the faithful to obey Julian, through want of power to repress earthly princes."‡

St. Thomas Aquinas says, that "Law is a certain

* Heretici possunt non solum excommunicari, sed et juste accidi. Ecclesia relinquit cum judici saculari mundo exterminandum per mortem. Aquinas, 2, p. 48. † Hæretici sunt etiam corporaliter compellendi, 2, 42. Hæretici, sunt compellendi, et fidem teneant, 10, 8. ‡ Ecclesiam, in sua novitiate, nondum habebat potestatam terrenos principes compescendi, et ideo toleravit fideles Juliano Apostate obedire, 2, p. 51.

rule and measure by which any one is induced to act, or hindered from acting."*

Aquinas was not destitute of enlightened opinions on some of the primary principles of civil government. In his *Summa*, he affirms that one of the grand ends of all civil institutions is the *common good*. He likewise says, that when princes take things unjustly from their subjects, or contrary to law, they are guilty of rapine.†

ROGER BACON.—This celebrated Englishman was born in the year 1214, and died at the close of the thirteenth century. He belonged to the order of Dominicans. His great work is the *Opus Major*. In this treatise he maintains there are four great sources of human ignorance; namely, an obsequious obedience to authority, the habit of custom, the opinion of the vulgar, and the ostentation of false science. These are the grand obstacles to the discovery of truth, and to our progress in the paths of national wisdom and regeneration.‡

* *Suarez* and other modern writers dissent from this definition; because they think it vague and uncertain.

GROTIUS.—Law is { Natural or Voluntary, { Divine or Human.

LEIBNITZ.—Law is { Human or Divine, { Natural or Positive.

SUAREZ.—Law is { Eternal or Temporary, { Natural or Positive, { Divine or Human, { Divine or Ecclesiastical

† Vol. 1, p.p. 96, 126. ‡ *Opus Major*, Venice, 1760, part 1.

WILLIAM DURAND, of Saint Pourcain, called the *Resolute Doctor*, was one of the most distinguished men of his day, for his knowledge of scholastic science generally, and for his ability in expounding the principles of civil polity in particular. He is the author of "De Origine Jurisdictionum sive de Jurisdictione Ecclesiastica et de Legibus."* He died in 1332.

WILLIAM OCCAM, a native of the county of Surrey, studied under Duns Scotus, and entertained very bold and original opinions on political subjects, for the age in which he flourished. His celebrated work "De Potestate Ecclesiastica et Seculare," (1326), brought upon him the active hostility of the Roman pontiff, and he was obliged to retire into France for some time. Occam maintained the supremacy of the secular, over the ecclesiastical power, and enveighed, with no small degree of bitterness, against the vices and corruptions of the Roman See. The chief position of his treatise is, that from the very nature of religious truth, and from the necessary means which must be employed to bring it home to the lives and consciences of men, it must be subordinate to the ruling and active authority of every community which adopts it, as a national faith.

JOHN BURIDAN, was a disciple of Occam's, and a native of Bethune, in France. He was Rector of the University of Paris, where he delivered an important course of lectures on the Politics of Aristotle. These have been published under the title of "Quæstiones in 8th libros Politicorum Aristotelis," Paris, 1500. Buridan is considered one of the most enlightened and sound political reasoners of his day.

* Paris, 1506.

CHAPTER XI.

ON THE CAPITULARIES AND ORDINANCES OF THE KINGS OF FRANCE, AND OF VARIOUS COMPILATIONS OF LEGAL CUSTOMS AND RIGHTS, AND FORMAL CHARTERS OF GENERAL FREEDOM, MADE FROM THE TIME OF CHARLEMAGNE, TO THE COMMENCEMENT OF THE YEAR 1400.

THE various matters brought under the reader's attention in this chapter, may all properly come under the denomination of political writings, which, though not in the form of regular treatises, contain, notwithstanding, important principles of polity, both general and particular. They are such materials as are in constant requisition by all political writers, even of the present day, and which served the purposes, to bygone generations, of keeping alive discussion and interest in public matters, when the art of printing was unknown.

Among the sixty-five Capitularies of Charlemagne, one of those which are the most closely allied to political economy, is the famous Capitulary *de Villis*, in which he attempted to give his general views upon the administration of his kingdom. It is composed of seventy paragraphs, arranged without any view to method or system. They embody formal

instruction of a rich proprietor to his steward or bailiff. The Prince requests that all his servants should serve him with probity, and in return, they should experience the kindest treatment. He wishes the *corvée* not to be imposed upon them; they are not to be subjected to severe labour; and if they labour during the night, they are to be remunerated accordingly for the sacrifice of their extra time. The same Capitulary contains a curious enumeration of the different kinds of trades and handicraftsmen the Prince wished to encourage in his own domains. Blacksmiths, Tailors, Joiners, Carpenters, and Weavers, are mentioned. It is also ordered that every slave who wished to have a personal interview with the monarch, relative to the manner which his master treated him, was to have free access, and by no means to be refused admittance.

We recognise in other Capitularies, many matters of great importance. One in particular attempts to fix a *maximun* price for various articles. "The very pious Lord, our King, has decided that no man, whether ecclesiastic or layman, shall be permitted, either in seasons of abundance or scarcity, to sell articles of food for more than the price recently fixed by bushel; namely, &c." Then again we have a regulation respecting the poor, "As to mendicants who wander over the kingdom, we wish that each of our *fidèles* would support his poor, either in his own benifice, or in the interior of his own house, and not permit them to wander elsewhere. And if we find any such mendicants, and if they refuse to labour with their own hands, then they shall not be entitled to receive any favour whatever."

The Emperor was severe upon those clergy who exacted usury. He also fixes himself the rate at which their money, whether good or bad is to be raised; on pain of being sent to labour at the forts. These measures seem rather tyrannical, but they were compensated by others of a more enlightened and humane character; such are rules favourable to the comfort and protection of slaves; to the labouring peasants; and to the poor, whom he ordained to be supported, and attended upon when sick. The ecclesiastical portion of the Capitularies is very voluminous; and it teaches us, of what great importance the clergy were at that period; and how rulers looked up to them for direction in the government of their kingdoms.

There are few of the capitularies which have a direct reference to fiscal imports of any kind. Those which may be considered as coming under the head of commerce, display very enlightened views, compared to what we can perceive among the Roman Emperors.

The slaves of his kingdom were treated with great philanthropy and tenderness. No master or owner was permitted to separate man and wife; and the capitulary which contains this ordinance, quotes the passage in the New Testament, "*Quos deus conjunxit, homo non separet?*" It was forbidden to sell or buy a slave except in the presence of the emperor's delegate. All private sales were not only null and void, but the parties were liable to punishment.

The capitularies contain many maxims of a purely moral and religious character; such, for example as the following. "It has pleased us to ordain that every one shall endeavour, in his own person, to keep himself fully in the holy service of God." Again, "Let

every one fully consent that our deputies *(Misi Dominici)* rigidly exercise justice, and not permit the custom of perjury, for it is necessary to banish from a christian people so odious a crime."

The entire collection of the capitularies presents to the mind a disordered assemblage of heterogeneous matters on religious, political, military, social, and judicial topics, without anything like a fixed order or method. They display no logical arrangement or connection, but are intermixed in the most irregular and capricious manner. The chief cause of this unquestionably was, that they were the product of a temporary system of legislation, and were purely *stop-gaps* to some of the principal social and political irregularities of the hour.

Many authors have contended, that the real origin of jurisprudence, can be traced no further than to the time of Charlemagne; because, before this period, the nations of Europe were not in a state of civilization, to have any written system on general or particular right. It is to this memorable epoch of the reign of Charlemagne, that we owe all these general principles of law connected with treaties, alliances, navigation, commerce, and the laws of nations generally.

We come now to a most important part of the political and social history of our own country, namely, the establishment of its various charters of liberty. These have, among numerous writers, excited no small degree of discussion, both as to their history, and their character. As the main points in these discussions belong properly to the antiquary we shall avoid them, and confine our subsequent remarks and statements to general and indisputable matters. These

we shall arrange under three heads; first, the history of the charters; secondly, their provisions; and thirdly, their political character and importance.

We find that something like a charter of general liberty was granted by William the Conqueror; which is preserved in Roger de Hoveden's collection of laws. The king is here made to say, "We will, enjoin, and grant, that all freemen of our kingdom shall enjoy their lands in peace, free from all tollage, and from every unjust exaction, so that nothing but their service lawfully due to us, shall be demanded at their hands." Again William says, "That all the Burgesses, French and English, shall be *law-worthy*, as in King Edward's days; and that each shall be his father's heir; and I will that no man commands any wrong to be done."

The charter of Henry I., is entitled "Institutiones Henrici Primi," and the preamble runs thus:—"Anno Incarnationis Dominicæ M C I., Henricus filius Willelmi regis, post obitum fratris sui Willelmi, Dei Gratia Rex Anglorum, Omnibus fidelibus salutem, sciatis me Dei misericordia et communi consilio baronima totius regni Angliœ ejusdem regem coronatum esse." Matthew Paris has twice recited this charter, namely, under the year 1100, and 1213; and it is stated by writers of authority, that two copies of it are entered in the Red book of the Exchequer; one of which is prefixed to King Henry's Laws.* In the History of King Stephen, by Richard Hagustald, we find a copy of this Charter; and it has also been transcribed by Judge Blackstone, in his Law Tracts. This is affirmed to be the most correct copy, having

* Published by Lombard and Wilkins.

been compiled by Ernuef, Bishop of Rochester, who died in the year 1114.

By way of conciliating his subjects, King Stephen gave them two Charters; but the general voice of history declares that he was not very scrupulous as to the observance of their provisions. The first, confirmed the charter of Henry I., particularly relative to the Saxon Laws; and by the second he conferred more extensive and valuable privileges upon the clergy. It is said there is a copy of the first charter in an ancient manuscript in the College Library. Richard of Hagustald, the historian of Stephen, has furnished us with the copy of the second charter, the original of which is now lost.

Henry II., formally confirmed these public Charters.* But we come now to a more important epoch in the history of these documents; namely, to that of King John. We have here Magna Charta, or the *Great Charter*, so frequently mentioned in public speeches, and political dissertations. Lord Coke supposes the name to have been given, not so much from the quantity of the matter contained in the Charter, as from its grave and weighty importance.

The reign of John is memorable on account of this Charter. His own follies and rapacious exactions were the proximate causes of its adoption. Though it be admitted on all hands, that this valuable document contains nothing but what was in conformity with the common law, and the ancient usages of the realm; yet the peculiar circumstances under which it was wrested from the King, have stamped it, and very justly, with a peculiar degree of interest. Indeed, in the very

* Wilkins' Leges Anglo-Saxon, p. 318.

means by which it was procured, certain valuable political principles were recognised and established.

Irritated by the tyrannical conduct of the King, the Barons formed a league among themselves, at the close of the year 1214. They met at Bury St. Edmunds, in Suffolk, from whence they proceeded, armed, to the King at London, and at once openly demanded a confirmation of their public liberties, as citizens of the realm. The monarch was surprised at this menace, and felt strongly indisposed to listen to their demand; but perceiving their resolute and determined demeanor, he thought it prudent to yield to their request. He agreed that a conference should be held at Runnemede, a meadow between Staines and Windsor, on the 15th of June, 1215.

On the day of appointment the Barons arrived in great numbers; but the King was attended by only a few, who remained faithful to him. After having encamped, like open enemies, the conference was formally opened, and continued its sitting until the 19th; when some general articles or heads of agreement were mutually assented to, and were reduced to the form of a charter, to which the King's seal was affixed.

Copies of this charter, and also of the charter of the forest, were very generally transcribed, and one of each sent to every county or at least to every diocese. There is a copy belonging to the Archbishop's Library at Lambeth, which Sir Henry Spelman transcribed in his *Codex Veterum Legum*, which may be found in Wilkins' collection. But according to Judge Blackstone, the original articles themselves, from which his own copy itself was transcribed, is now in the British Museum. It was formerly in the possession of Arch-

bishop Laud, from whom it descended to Bishop Burnet, then to Earl Stanhope, who presented it to the above public institution. The articles are written on parchment, and thus endorsed, "Articuli Magne carte libertatem sub sigillo regis Johannis." The words of the charter are said to be still legible with the exception of a very few letters.

So terminate the chief historical incidents connected with King John's Charter;—an instrument more interesting to the people of Great Britain, from purely political considerations, than from the mere contents of the document itself. We think it entitled to a fuller notice, and, therefore, make no apology for offering to the reader the following summary of its principal provisions.

The freedom of elections was secured to the clergy; the former charter of the king was confirmed, by which the necessity of a royal *conge d'elire* and confirmation was superseded; all check upon appeals to Rome was removed by the allowance granted every man to depart from the kingdom at pleasure; and the fines to be imposed upon the clergy for any offence were ordained to be proportional to their lay estates, not to their ecclesiastical benefices.

The privileges granted to the barons were either abatements in the rigour of the feudal law, or determinations in points which had been left by that law, or had become by practice arbitrary and ambiguous. The reliefs of heirs succeeding to a military fee were ascertained; an earl's and baron's at a hundred marks; a knight's at a hundred shillings. It was ordained that, if the heir be a minor, he shall, immediately upon his majority, enter upon his estate without

paying any relief; the king shall not sell his wardship; he shall levy only reasonable profits upon the estate, without committing waste or hurting the property; he shall uphold the castles, houses, mills, parks, and ponds; and, if he commit the guardianship of the estate to the sheriff or any other, he shall previously oblige them to find surety to the same purpose. During the minority of a baron, while his lands are in wardship, and are not in his own possession, no debt which he owes to the Jews shall bear any interest. Heirs shall be married without disparagement; and before the marriage be contracted the nearest relations of the person shall be informed of it. A widow, without paying any relief, shall enter upon her dower, the third part of her husband's rents; she shall not be compelled to marry so long as she chooses to continue single; she shall only give security never to marry without her lord's consent. The king shall not claim the wardship of any minor, who holds lands by military tenure of a baron, on pretence that he also holds lands of the crown by soccage or any other tenure. Scutages shall be estimated at the same rate as in the time of Henry I., and no scutage or aid, except in the three general feudal cases, the king's captivity, the knighting of his eldest son, and the marrying of his eldest daughter, shall be imposed but by the great council of the kingdom; the prelates, earls, and great barons, shall be called to this great council, each by a particular writ; the lesser barons by a general summons of the sheriff. The king shall not seize any baron's land for a debt to the crown, if the baron possesses as many goods and chattels as are sufficient to discharge the debt. No man shall be

obliged to perform more service for his fee than he his bound by his tenure. No governor or constable of a castle shall oblige any knight to give money for castle guard, if the knight be willing to perform the service in person, or by another able bodied man; and, if the knight be in the field himself by the king's command, he shall be exempted from all other service of this nature. No vassal shall be allowed to sell so much of his land as to incapacitate himself from performing his service to his lord.

These were the principal articles calculated for the interest of the barons; and, had the charter contained nothing farther, national happiness and liberty had been little promoted by it, as it would only have tended to increase the power of an order of men who were already too powerful, and whose yoke might have become more heavy on the people than even that of an absolute monarch. But the barons, who alone drew and imposed on the prince this memorable charter, were necessitated to insert it in other clauses of a more beneficent nature. They could not expect the concurrence of the people without comprehending, together with their own, the interest of inferior ranks of men; and all provisions which the barons, for their own sake, were obliged to make, in order to ensure the free and equitable administration of justice, tended directly to the benefit of the whole community. The following were the principal clauses of this nature.

It was ordained that all the privileges and immunities above mentioned, granted to the barons against the king, should be extended by the barons to their inferior vassals. The king bound himself not to grant any writ, empowering a baron to levy aid

from his vassals, except in the three feudal cases. One weight and one measure shall be established throughout the kingdom. Merchants shall be allowed to transact all business without being exposed to any arbitrary tolls and impositions; they, and all free men, shall be allowed to go out of the kingdom and return to it at pleasure. London, and all cities and burghs, shall preserve their ancient liberties, immunities, and free customs; aids shall not be required of them but by the consent of the great council. No towns or individuals shall be obliged to make or support bridges but by ancient custom. The goods of every freeman shall be disposed of according to his will; if he die intestate, his heirs shall succeed to them. No officer of the crown shall take any horses, carts, or wood, without the consent of the owner. The king's courts of justice shall be stationary, and shall no longer follow his person; they shall be open to every one; and justice shall no longer be sold, refused, or delayed, by them. Circuits shall be regularly held every year. The inferior tribunals of justice, the county court, sheriff's turn, and court leet, shall meet at their appointed time and place. The sheriffs shall be incapacitated to hold pleas of the crown; and shall not put any person upon his trial from rumour or suspicion alone, but upon the evidence of lawful witnesses. No freeman shall be taken or imprisoned, or dispossessed of his free tenement and liberties, or outlawed, or banished, or anywise hurt or injured, unless by the legal judgment of his peers, or by the law of the land; and all who suffered otherwise, in this or the two former reigns, shall be restored to their rights and possessions. Every freeman shall be fined in pro-

portion to his fault, and no fine levied on him to his utter ruin: even a villain or rustic shall not, by any fine, be bereaved of his carts, ploughs, and implements of husbandry. This was the only article calculated for the interests of this body of men, probably at that time the most numerous in the kingdom.*

As a legal and political instrument, Magna Charta retains no force in itself, for it was framed before those authorities we now give allegiance to were recognised by the nation. When parliaments, forming a certain number of the representatives of the people, were unknown, Magna Charta constituted a compact between the sovereign feudal chief, and his fellow chieftains. The enactments it contains refer, therefore, to a state of law now entirely abolished, and when viewed in this light, its intrinsic value consists in a very formal declaration, that the personal will or pleasure of the sovereign, shall not be paramount unless by the consent of the most influential members of society,—that is the owners and proprietors of land. As a solemn, and public declaration of the limits of the governing power, and its subjection to regular and known laws, this charter has been of great value to the cause of civil freedom, and the progress of public discussion. As a substantial enactment it is now of no value; and only occupies the position of an old deed to prove the right to a title. As the first grand declaration of public rights, however, it must be held to be very interesting to every liberal and intelligent mind, and eminently useful to the political student, enabling him to trace by what gradual progress principles of independence and liberality are diffused over

* History of England.

the surface of social communities. It has unquestionably been subjected to extravagant praise in some instances, particularly when party purposes were to be served, or when an opportunity offered for a little rhetorical display. During the seventeenth century, when the great battle was fought between privileges and rights, Magna Charta, was the ground work of much of the argument of those who were for the further limiting and defining the prerogatives of the crown. The matter in dispute was finally settled by the expulsion of the Stuart family; and the whole of the feudal system having been swept away by the abolishment of all its tenures, and incidents; this constitutional document becomes a mere curiosity, and a sort of fossil remain of an extinct constitutional era. Still it is a noble proof of the energy and sagacity of those times of which we are now treating, as a bold and veritable enunciation of a popular will, (undoubtedly partial and imperfect,) and as a political transaction that must ever form a prominent point in the history of national progress, and civil independence.

A distinguished writer, M. Guizot, makes the following observations on the importance of Magna Charta:—"One is surprised at the forbearance displayed by the barons, till they took arms at length in that confederacy, which ended in establishing the great Charter of Liberties. As this was the first effort towards a legal government, so is it beyond comparison the most important event in our history, except that revolution without which its benefits would rapidly have been annihilated. The constitution of England has indeed no single date from which its

duration is to be reckoned. The institutions of positive law, the far more important changes which time has wrought in the order of society, during six hundred years subsequent to the great charter, have undoubtedly lessened its direct application to our present circumstances. But it is still the key-stone of English liberty. All that has since been obtained is little more than as a confirmation or commentary; and if every subsequent law were to be swept away, there would still remain the bold features that distinguish a free from a despotic monarchy. It has been lately the fashion to depreciate the value of Magna Charta, as if it had sprung from the private ambition of a few selfish barons, and redressed only some feudal abuses. It is indeed of little importance by what motives those who obtained it were guided. The real characters of men most distinguished in the transactions of that time are not easily determined at present. Yet, if we bring these ungrateful suspicions to the test, they prove destitute of all reasonable foundation, and equal distribution of civil rights to all classes of freemen, forms the peculiar beauty of their character. In this just solicitude for the people, and in the moderation which infringed upon no essential prerogative of the monarchy, we may perceive a liberality and patriotism very unlike the selfishness which is sometimes rashly imputed to those ancient barons. And, as far as we are guided by historical testimony, two great men, the pillars of our church and state, may be considered as entitled beyond the rest to the glory of this monument; Stephen Langton, Archbishop of Canterbury, and William, Earl of Pembroke. To their temporate zeal for a loyal government, England was indebted

during that critical period for the two greatest blessings that patriotic statesmen could confer; the establishment of civil liberty upon an immovable basis, and the preservation of national independence under the ancient line of sovereigns, which rasher men were about to exchange for the dominion of France."

This charter was further confirmed by John's successor, Henry III.; and it is to this enlarged and amended document that general reference is made by historians and constitutional writers. Henry was only nine years of age when he ascended the throne, but the first act he did, by the advice of his guardian, the Earl of Pembroke, and the Pope's legate, was to confirm the great charter, with certain additions and alterations. This was effected at a national council held at Bristol, in the year 1216. The articles relative to the forest were embodied into a separate charter, and called the *Charta Forestæ*, to distinguish it from Magna Charta.

After the *Capitularies* of Charlemagne, we have in France, a series of *Edicts* or *Ordinances*, of a very voluminous and varied kind. At his death, his empire extended from the Baltic to the Mediterranean, and from the Vistula to the Atlantic. But in a century or two this mighty kingdom was split into fragments; and at the end of the ninth century, France was in reality parcelled out into twenty-nine separate sovereignties, under the head of Counts, Dukes, Marquisses, and Lords. Some of these exercised authority over extensive territories, such as Burgundy, Gascony, and Flanders. From this division of the country, there necessarily arose a great variety of interests, and this again multiplied the number of

written instruments used for the promulgation of royal authority, and for the notification of the changes incident to government, laws, and institutions. The collection of the public revenues of each department or province, and the making and issuing of money, created a vast number of these public Edicts or Ordinances. The system of taxation in France was, for many centuries, a most complicated one, and was so intimately blended with feudal customs and privileges, that historians and politicians have scarcely been able to give anything like a full and faithful account of its manifold ramifications. Indeed, in no two provinces, nor even in any two cities in the same province, were the fiscal burdens alike, either in kind, amount, or in the modes of collection. And matters connected with the circulating medium were in the same anomalous condition. The monetary system proved a harrassing instrument to the people. For many centuries the miseries they endured from this source are far beyond description. All sorts of contrivances were adopted by many of the kings to debase the current coin; and at one time, there were no less than *one hundred and sixty-seven* persons who enjoyed the privileges of coining money in France. The consequence was, that the continual variation in the standard of value, completely changed the natural and relative situation of debtor and creditor; and produced, throughout the whole country, nothing but spoliation, injustice, and embarrassment.

The several Edicts or Ordinances issued from time to time, relative to both taxation, and money affairs, are among the most instructive and amusing docu-

ments connected with the political and civil history of this country.

Many of these Ordinances related to the church, in connection with state affairs; many to the seigneurial rights of the French nobility; and a few embraced questions of a fundamental or constitutional character. The Edict of Charles the Bald, in 877, recognised the feudatory rights to transmit the fief to his heirs, and laid down the special principles of the monarchical inheritance. But soon after the death of this king, the Edicts and Ordinances became supplanted, by what were called *General Customs*. These assumed all variety of forms, and were not committed to writing till the end of the eleventh century, when they were compiled by Godfrey of Bouillon, and published under the title of the *Assizes of Jerusalem*. About fifty years after, there was a more correct and extended digest made of them by a Milanese lawyer, and called *Libri Feudorum*. Sometimes these General Customs were published by order of the government of particular Provinces, such, for example as Brittany, Normandy, and Champagne; but up to the termination of the fourteenth century, there were not more than twelve of these codes duly made public in writing, and circulated through the country.

The number of political charters, in other parts of Europe, which date before the termination of the fourteenth century, are but few in number, and not of much intrinsic importance. We have the *Golden Bull* of Germany, issued in 1356, which regulated the manner in which the Emperor was to be chosen, fixes the number of electors, and enumerates and defines their civil and political privileges. Hungary, however,

boasts of the great Charter earlier than this, the *Bulla Aurea*, in 1222, seven years after the date of our own Magna Charta. The Hungarian resembles our English Charter in many points, particularly in this, that it was a formal recognition of existing and violated rights. It likewise contains a stipulation of resistance, in case its provisions should be again trampled underfoot by the reigning powers. The *Magna Curia*, confered on Sicily, by Frederick I., in 1162, is an important document, considering the times in which it appeared. In Spain there was a code, called the *Magna Charta* of Arragon, in 1283, which secured a large measure of freedom to the people, and defined, with great accuracy, the various functions of both the kingly office, and the representative assembly of the nation.

CHAPTER XII.

THE INFLUENCE OF THE FEUDAL SYSTEM ON POLITICAL SENTIMENT AND SPECULATION.

We come now to notice another distinct and peculiar element, in the early stages of European civilization, which has furnished materials for considerable political speculation, and which has left its imprint on every constitution of Europe at the present day. This is the feudal system. A few observations upon it are desirable, for the sake of elucidating some important principles of political science.

The common origin of feudal rights, is usually attributed to those causes, which mainly contributed to the downfall of the Roman Empire. When the hordes of people, from the forests, and morasses of Germany, and the neighbouring countries, poured into the Roman states, they took possession of the conquered provinces, and divided the land, in given proportions, between themselves, and the original possessors. But these appropriations were not by any means universal; for there was a considerable portion of territory still retained in the hands of the native inhabitants, which was allowed to descend, from generation, to generation, by the nominally established laws of paternal inhe-

ritance. These lands were called *allodial*, and were free from every kind of burden, but that which was necessary for the defence of the state, and the maintenance of its public justice, and institutions.*

The feudal lands were in possession of the chiefs, and nobles among the conquerors; and they divided them out to their respective followers, in consideration of certain services, which shall be more particularly enumerated hereafter. But besides these landed possessions of the nobility, very considerable tracts of land were consigned to the King, whose authority and privileges in some cases, were so very limited, that he had little else to distinguish him from the rest of the aristocracy, except a more extended territorial range; these crown lands were chiefly reserved to support Kingly munificence, and dignity; and in the course of time, the monarch divided part of them, and gave them to favourite subjects, in consideration of either public or private services. These lands were denominated *benifices*—some authors maintain that there were no expressed civil or military duties connected with the holding of these benifices; while others again think it highly probable, that a tacit understanding always existed between the proprietors of benifices and the crown, and that the former should lend their assistance to the latter at all times of difficulty and danger.

Writers on the feudal laws, are not unanimous as to the nature and extent of these benificiary grants. The general opinion is, that some were held under pleasure of the crown, some for life, and a few were invested with hereditary rights. Those of the latter,

* Blackstone's Commentaries.

by the ordinary laws of all human society, became subject to a further division; and this was called *sub-feudation*. This arrangement completed what commonly goes under the name of *feudal tenures*.

In the course of a few centuries, the *allodial*, or independent proprietors of land, became merged in the feudal nobility. This arose from the unprotected condition of the former, and the rapacious, and tyrannical conduct of the feudal lords towards them. It is alleged that at the termination of the eleventh century, that almost all the allodial land in France had become subject to feudal tenures.*

The principle on which the feudal law, of all the countries of Europe was founded, was that of mutual support. Obligations were laid upon the vassal to perform certain services to his lord, while the latter covenanted to yield the former every degree of assistance and protection. Sir Henry Spelman defines a feudal tenure to be—"A right the vassal hath in land, or some immovable thing of his lord's; to use the same, and take the profits thereof, hereditary, rendering unto his lord such feudal duties, and services, as belong to military tenure; the mere property of the soil always remaining to the lord." If this compact of mutual duty, and obligation, were, in any essential degree, infringed upon, the vassal forfeited his estates, and the lord his seigniority, or feudal rights over it. But though self-interest was a strong connecting link, in this social confederacy, it was not the only one. Other principles lent their aid, towards a faithful discharge of mutual covenants—ancient custom, family attachment, the principles of personal honour; and

* Robertson.

the still more weighty sanctions of religion; all combined to strengthen the feudal tenure, and to render its various provisions effective for the ultimate end it was intended to produce.

The ceremonies of confering fiefs were principally three, namely, *homage*, *fealty*, and *investiture*. Homage was considered as significant of the submission, and devotedness of the vassal towards his lord. In performing homage, the head of the vassal was uncovered, his belt ungirt, his spurs and sword removed; he knelt, and placed his hands between those of his lord, and promised to be devoted to him from thenceforward; and serve him with life and limb, faithfully and loyally, in consideration of the lands which he held under him. The oath of fealty was necessary for the establishment of every fief; but differed little in substance, or in language, from the mode of doing homage. Investiture was of two kinds, called proper, and improper. The first was the putting of the vassal in possession of land by his lord or his deputy—the second was symbolical, and consisted in delivering a piece of turf, or stone, a wand, a branch of a tree, or any other thing as a token of complete possession.

The obligations of a vassal were numerous. It was a breach of duty to divulge the lords secrets, to conceal from him the evil intention which others entertained towards them; to injure his person, or fortune, or to violate the sanctity of his mansion, and the honour of his family. All military duties, were generally settled by some local custom or usage. Men turned of sixty, public magistrates, and women, were free from personal services, but had to send their sub-

stitutes. If this was not done, it was strictly in law tantamount to forfeiture of the fief.

But, besides these privileges which the lord possessed, there were others of a less important nature. These were called—1st *Reliefs;* 2nd *Fines*, upon alienation; 3rd *Estreats;* 4th *Aids;* 5th *Wardships;* and 6th *Marriage.* A relief was a sum of money due from every person of full age, obtaining property by descent. This sum varied in different countries and places; and the exacting of it became in many cases, a source of tyranny and oppression. Fines upon alienation, were the amount which every vassal paid to his lord for the alienation of his feud.

These fines depended upon various national and local customs. When certain fiefs became vacant, for want of heirs, there was no power of will, by which they might be left to another. These forfeited lands, therefore, fell into the hands of the lord from whom they had been originally derived. These were called estreats or forfeitures. Aids were a sort of local exaction, arising out of no fixed principle of feudal right, but superadded to the system by particular customs. Wardship was the power the lord had over his tenant during his minority. This power was almost solely confined to England and Normandy. This right embraced both the power over his person, and the profits of his estate. According to Norman and English law, a lord possessed the power of tendering a husband to his feudal wards, while under age, and in case the person tendered was refused, there was a forfeiture of the value of the marriage, which was estimated to amount to as much as any would give to the guardian for such an alliance. This feudal privilege was also

extended to male wards; and became a fruitful source of revenue both to the king and the lords.

In addition to these few remarks upon the nature of the feudal laws, throughout most of the countries of Europe, we shall advert to an opinion entertained by some writers on general law, that these feudal tenures derived their origin from the Roman law of patrons and clients, framed as early as the time of Romulus himself. The clients held their patrons in the highest esteem, gave them their votes and interest; and when the patron was reduced to indigence, the clients subscribed among themselves to relieve his wants, and portion off his daughters. The patron's duty, on the other hand, was to advocate the cause of his clients, and defend them in courts of law, when their lives or fortunes were endangered. In the feudal connection there seemed to be a social reciprocity of a similar description. The vassals held their lords in high regard, and when the latter experienced reverses of fortune, the former gave them assistance. The fortune of the eldest daughter of the lord was always paid by the vassals, and if they were impleaded, they claimed defence in return.

This is the full amount of similarity between the two institutions. The differences, however, were principally the following. The relation between patron and client, was a mere civil relation; whereas the relation between the lord and his vassal was founded upon a military tenure, and confirmed by an oath, which was not required between patron and client. The aid which the vassal gave to the lord in case of necessity, was purely voluntary, except in three special cases. The Roman client's estate was

his own absolute property; but the vassal had only a qualified interest in his possessions. He could not bequeath, nor alienate without his lord's consent. The lord was not always bound to be the tenant's advocate. The fealty of the vassal, and the protection of the lord, were circumscribed within the bounds of the feudal contract; for the lord was only obliged to advocate the rights of his vassal as far as the latter held lands of him, and the vassal's obligations were in proportion to the lands he held of his superior. And in addition to this, the lord's jurisdiction extended over all his dependents, and he sat as judge to determine such controversies as arose among them.*

The following definition of *allodial* property is given by Judge Blackstone, and is well entitled to especial notice.

"The word *allodium*,—the writers on this subject define to mean every man's *own* land, which he possesseth merely in his own right, without owing any rent or service to any superior. This is property in its highest degree; and the owner thereof hath *absolutum et directum dominium*, and therefore is said to be seized thereof *in dominico suo*, in his own demesne. But *feodum*, or fee, is that which is held of some superior, on condition of rendering him service; in which superior the ultimate property of the land resides. And, therefore, *Sir Henry Spelman* defines a fued or fee to be the right which the vassal, or tenant, hath in lands to *use* the same, and take the profits thereof to him and his heirs, rendering to the lord his services; there was always allodial *propriety* in the

* See the writings of Mably, Hume, Robertson, Guizot, Brougham, and Hallam, on the Feudal system.

soil always remaining in the lord. This allodial property no subject in England has; it being a received, and now undeniable principle in the law, that all the lands in England are holden mediately or immediately of the king. The king, therefore, only hath *absolutum et directum dominium*, but all subjects' lands, are in the nature of *foedum*, or fee; whether derived to them by descent from their ancestors, or purchased for a valuable consideration; for they cannot come to any man by either of these ways unless accompanied with those feudal clogs, which were laid upon the first feudatory when it was originally granted. A subject, therefore, hath only the *usufruct not the absolute* property of the soil, or, as SIR EDWARD COKE expresses it, he hath *dominium utile*, but not *dominium directum*. And here it is that in the most solemn acts of law, we express the strongest and highest estate that any subject can have by these words, "he is seized thereof, *in his demesne*, as *of fee*. It is a man's demesne, *dominium*, or property, since it belongs to him and his heirs for ever; yet this *dominium*, property, or demesne, is strictly not *absolute* or allodial, but qualified or feudal; it is his demesne, *as of fee;* that is, it is not purely and simply his own, since it is held of a superior lord, in whom the ultimate property resides."*

* This statement, as to allodial property, must be taken with considerable limitation. In the *Histoire Général de Languedoc*, it appears that during the ninth, tenth, and eleventh centuries, nearly the whole property of that province was allodial. Scarcely any allusion is made to feudal tenures in the deeds of that part of France. The same thing may be observed respecting Catalonia and Rousillon; for we find in original charters published in Marca's work *De Marca sine Limite Hispanica*, that a considerable portion of the country was held under allodial tenures. In the Low Countries a good part of the country was allodial, even in the thirteenth and fourteenth centuries.

In looking therefore at the feudal system as a whole and in a political point of view, we may clearly see, that it had its advantages and disadvantages; and considering the time at which it was established, it is a difficult question to decide which of these predominated. When the Roman empire in the West was entirely overthrown, her laws were buried in the general wreck. For two or three centuries after the time of Constantine, the nations of Europe presented a lamentable aspect of darkness and devastation. The feudal system arose out of this chaos, and the principle of order and submission to authority, on which it is based, formed the nucleus of succeeding governments of a more liberal and efficient character. The very first effects of this new system of social order, were to greatly modify the various codes of law, which the barbarian nations had introduced into their newly conquered countries. The Salic, the Ripuarian, the Alemanic, the Burgundian, the Visigothic, and Lombard codes were by this means greatly altered from their original state.

The leading features of the feudal system present a singular combination of liberty and slavery, social order and individual independence, civic protection and lordly despotism. This system inspired man with the feelings and sentiments of personal dignity and wealth; and yet, strange to say, it doomed him to feel every hour of his life, the capricious exercise of undefined and irresponsible power. But in considering the time at which feodality became firmly established, a candid judgment may come to the conclusion that on the whole the change was a beneficial one. The slavery of the peasants, and the harrassing

oppression they had to endure, in almost every country, seem odious in our eyes, and have tended to connect in our minds with the name of feudal laws, everything that was politically base, detestable, and wicked. But we should remember that the great majority of the industrious classes of the nations under the Roman government, were in a miserable condition; so debased and miserable, indeed, as to make them consider their becoming serfs of the glebe, a change for the better. They were placed under some degree of shelter and protection, and gradually prepared, by the formation of peaceable and domestic habits, for a more extended portion of political liberty and happiness.

The effects of the feudal system on general governments, and on the tone of political sentiment and opinion, has been great from the time of its establishment to the present hour. We can only, however, glance here at some of the most conspicuous and influential of these effects. In doing this the reader must bear in mind that we are treating of a subject about which there are great doubts and uncertainty. A recent distinguished writer, in speaking generally of this singular system of polity, makes use of the following cautionary and pertinent remarks. "The accounts given of the feudal system by some writers differ materially, and there is certainly a great discrepancy among the authorities both as to facts and opinions. The subject is involved in obscurity. Besides the controversy as to feuds originally being held at will, the following points are, among others, subjects of dispute:—namely, the manners of the Germans; their yearly division of land; their improvement between Cæsar's time and that of Tacitus; their

progress from that period till Clovis's invasion; the comparative advances made by the Lombards, and the other races; the virtue and merits of the Franks; the conquests, authority, and character of Charlemagne; the original obligation of allodial proprietors; those proprietors being the descendants of the conquered owners; the exclusive military nature of the feudal relation at first; the influence of the Roman manners and customs on those of their conquerors; the similarity of the feudal relation to that of the Comites and Ambacti; the existence of that relation among the Anglo-Saxons; the origin of soccage tenures in England. These probably arose from the Saxon times."*

One of the prominent effects of feudal rights and customs, was the peculiar relationship established between the baron and his sovereign. This was a relationship of mutual promises, duties, and conditions. The king stood in the same position to the lord, as the lord did to his vassals. But as the feudal chief was seldom with his sovereign, and always surrounded by his dependants and retainers, there was a stronger bond of sympathy and union between him and the latter, than between him and the kingly office. Hence his almost invariable independent deportment towards its regal demands, and the constant and bitter contests between the ruling and baronial authorities, in all the countries in Europe for many ages. The political fruits of these mutual struggles are too numerous to be even barely enumerated.

The feudal power was a direct and powerful check upon the absolute will of kings and rulers. This power was ofttimes, indeed, exercised in such a manner

* Brougham's Poli; Phil: vol. 1, p. 292.

as to render the kingly office inefficient for the proper discharge of its political functions. The warlike nature of baronial authority was the chief cause of this; for the monarch was but a very helpless creature, both for maintaining peace at home, and for carrying on wars abroad, unless zealously seconded and supported by his lords and their vassals. Nothing was more uncertain and capricious than an armed force, headed by such a number of independent chiefs.* Personal quarrels and jealousies, different interests and family connections, and the sturdy maintainers of individual humours and opinions, made every kingly or national enterprize, however praiseworthy or justifiable, a matter of uncertainty as to its movements and results.

This warlike character which constituted the leading element in the feudal system, was completely antagonistic to all the civil, and social improvements and advantages of life. When it flourished in its original rankness, nothing valuable would grow under its poisonous shade. The founders of it were the most reckless and blood-thirsty of men. They were called in their day, "the scourge of God,"—"the destroyers of nations." Long after the fever of general conquest and indiscriminate and barbarous devastation, had subsided, the arts of peace, refinement, and social harmony, were despised, and scornfully thrust aside, as being effeminate and degrading pursuits, unworthy of the manly courage of a knight and his retainers. Physical strength and bold adventure were the only admitted differences between one man and another.

* There were 1115 Baronial Castles in England in the twelfth century.

Society was torn asunder by party rivalships, animosities, feuds, and disputes; so that the human mind was perpetually kept in a state unfit to prosecute those objects, which alone can lead it to unfold its own innate dignity, worth, and importance. On this point, Lord Brougham justly and forcibly observes, "The barbarous manners and tastes of the barons disdained, like those of their German ancestors, any profession but that of arms, as they knew no wealth but that of the soil. Hence the arts of peace were everywhere despised and discouraged. Mercantile occupations continued till nearly our own times to be almost everywhere, but in England, looked down upon as unbecoming a gentleman; and even with us at this day men of rank very seldom engage in them. * * * Landed property having such prerogatives and immunities attached to it, and conferring the only estimation recognised in the community, acquired an exaggerated and almost exclusive value; and all connected with the ownership became invested with peculiar claims to respect. The feudal aristocracy was an adjunct of land. Hence the ideas so inveterately rooted in modern Europe of the superiority of landholders above men as rich, and as well educated, and as well bred, whose property comes from other sources, or whose income is derived from trades and professions. The effects of this prejudice are still felt far and wide in the society of every country at this day."*

That which in modern times goes under the denomination of *aristocratic influence*, and which forms such an important element, both in practical and theoretical politics, took its rise from the feudal system. It fully

* Polit; Phil: vol. 1, p. 310.

and firmly established a privileged class in every European state, and implanted ideas of superiority and assumption in certain family alliances and descent, totally irrespective of personal qualifications, genius, or endowments. When this system was in the height of its glory and power, men were every way invested with legislative and judicial authority of the most sweeping character, solely because they were the offspring of particular families. The life, property, and freedom, of the entire community were placed in their hands, without the least check of public responsibility or obligation. This unnatural order of things—for unnatural it really was—continued for many centuries; and it is only in very recent times that the system has been broken in upon in a few countries,—such as Great Britain, France, Belgium, Holland, &c.,—and has undergone such modifications and curtailments, as to make it somewhat reasonable and bearable, and less injurious to the common rights and interests of the people.

The short abstract we have now given of the nature of the feudal laws, naturally suggest to our minds a few general observations, on the nature of that tenure by which land is held in all civilized countries, and the species of burdens it is, under all circumstances, fixed upon to bear.

It is quite obvious, from universal history, that mankind have always looked upon the land as the original source of the mass of their wants; and that whenever any great disarrangement has taken place in the social and political relations of a nation, they have uniformly looked towards it, as a permanent source of relief. The community have invariably viewed

landed possessions as always burdened with providing subsistence and shelter for the bulk of the nation; whatever might be the modes adopted for their general distribution. And this principle of obligation lies at the root of all theories of landed tenures in every country, which enjoys any regular form of civil polity. The soil is held *in trust* for the wants of the community. There never is, nor never can be, any *absolute* property in land; because no form of civil government will allow the practical operation of such a tenure. We are furnished with abundant evidence of the truth of this general principle, in the history of the early stages of the Roman government, when its agrarian laws were enacted by Spurius Cassius; in its more advanced state of refinement and luxury, during the reign of the Emperors; and still more pointedly in its decline and final subjugation by barbarian enterprise and force. We may also refer to the various codes of laws which, for several centuries, supplied the place of the Roman system of jurisprudence. In more modern times, we also find many similar illustrations of this conditional tenure of landed property. In France there was, for several centuries before the revolution, an evident attempt to act upon the absolute right in the soil, by the great landed proprietors of that country; and the effect was, that when the revolution took place, this yoke was thrown off the neck of the nation; the mass of the people's right to the usufruct of the ground was established, and a more equal law of inheritance enacted. In our own country we find the same elemental notions of a right in the soil, pervading the public mind, whenever great national distress prevails.

CHAPTER XIII.

ON THE NATURE AND ORIGIN OF FREE CITIES, AND THEIR INFLUENCE ON POLITICAL LITERATURE AND SENTIMENT.

POLITICAL sentiment is so often powerfully stimulated, or retarded by the external conditions and fortunes of a nation, that we are apt to imagine that the mere intellect has little to do with the matter, either in the way of development or illustration of great social truths and systems of polity. The fact is, however, that mental suggestions and external circumstances act, and re-act on each other, in certain indefinable proportions. In the political history of mankind we find a concurrence of remarkable events at stated periods, which either greatly expanded their views on the nature of government generally, or tended to suspend inquiry and stifle thought for perhaps a long and indefinite period. Ideas of permanent utility, the exigencies of the day, the clashing of particular interests in the state, the subtilty of intrigue, and the blindness of brute force, enter so largely as constituent elements into the formation of every actual form of polity, that it requires some nicety and skill to separate the mental agents of national progress,

from what is merely accidental and transitory. Some particular event happens to a nation, probably of little or no abstract importance, and forthwith its public mind is immediately directed into some new channel of thought or action; novel views of political and domestic interests present themselves; general discussions ensue, and the field of political literature becomes eventually extended, and rendered more fruitful and prolific. It is thus that mere historical events and incidents are found so indissolubly interwoven with written systems; and to separate, by analysis, the several ingredients of the compound, is often both an elaborate and uncertain experiment.

The origin of free cities is one of those external events, which, though at first considered merely in the light of an ordinary social arrangement or privilege, has proved a fruitful source of much of that popular liberty which many nations at present enjoy. The gradual consolidation of these burgher institutions, though slow and stealthy, rescued the people out of a state of savage ignorance; conferred upon them the power of breaking the chains which then bound them to tyrannical and feudal superiors; and of inspiring them with that self-reliance and force of character, which ultimately conducted them to freedom, wealth, and happiness. These free cities or communes afford a striking illustration of human nature, and of the growth and adaption of means to an end, and must ever be pregnant with peculiar interest to the philosophical politician.

In instituting an inquiry of this kind, it is requisite to remark at the outset, that communes or free cities are commonly divided into two classes, arising chiefly

from the nature of their origin, and certain particular ingredients which formed elementary principles in their civil constitutions or charters of incorporation. The first class are those free cities of *Roman*, and the second of *German* origin. This distinction appertains more directly to France, and to the Low Countries, which at one time formed part of Roman Gaul. In the South of France, embracing the country situated between the Loire, the Pyrenees, and the Alps, there were many cities which had preserved nearly entire, all the municipal *regime*, and civil privileges of the Roman states. The lay lords, Bishops, and other influential classes, had never interfered with the rights of the citizens, nor made any inroads whatever on their commercial institutions. On the other hand, the cities in the North of France partook more of German feeling, were composed of more rude and boisterous materials, and were subjected to greater vicissitudes and sufferings, than those of the Southern part of the Continent.

From the fifth to the tenth century, the generality of the cities and towns in Europe, were in a sort of mixed position, partaking equally of a state of slavery and independence. In some, particularly in the South, the liberal municipal institutions which formed the chief strength of the Roman power had never been lost; while in other sections of the Continent the majority of cities enjoyed a clerical establishment, commonly headed by a Bishop, which in those days of increasing wealth and importance of the Church, contributed greatly to create and foster a species of popular liberty and independence of thought. But the condition of this last class of towns was materially

deteriorated by the growth and final organization of the feudal system. Unprotected by adequate fortifications, they fell completely into the power of some neighbouring lord, and, becoming fiefs, and included within his domains, they lost all individual identity, and became as equally subject to his will or caprice, as those born on his estates, or who followed his standard and fortunes. During the progressive establishment of feudal institutions, another class of cities or boroughs grew up. When the great lords were checked in their predatory habits of life by the definite division of property which eventually took place, collections of their retainers and dependants established themselves under the protection of their castles and fortresses, where their wants and wealth gave rise to some portion of trade and commerce. Sometimes, indeed, the lawless barons felt little scruple in appropriating such gains by stronghand; yet enough of legitimate traffic often remained to afford some inducement, in times of general confusion and misrule, to a part of the community to take up their residence in these villages. But there was another ingredient in the composition of these elementary boroughs, which, consisting of a small number of individuals, exerted, perhaps, the most striking influence over their characters and tastes. The churches erected in these small communities, were the only establishments secure from feudal rapacity and violence, and they consequently became asylums for refugees of a higher order. Many numerous and fierce disputes likewise took place between the barons themselves, or with some regal authority, when often the weaker part of them, being entirely worsted in the conflicts, were often glad to

take refuge with their families in these sheltered towns, leaving fortune, honour, and estates behind, and throw themselves at the foot of the altars of religion. Thus these unfortunates became insensibly amalgamated in the course of time with the townspeople and merchants of the place. The influence of such a class of refugees may be readily conjectured, and we shall not be far mistaken in referring to that influence, much of the spirit of individual and personal independence which began very gradually to display itself, among this species of free cities or boroughs. The townsmen were continually coming in contact with the feudal nobility, who, being partially protected from the general tyranny, and partly countenanced as a distinct class, inspired the incipient burghers with loftier feelings of self-respect, and with a boldness of manner, which led insensibly to an amelioration of their civil and social condition.

About the commencement of the tenth century, many of the chief towns and cities on the continent had acquired wealth, and the possession of it gave rise to constant violence and contention. About the middle of this epoch, rapacity was at its height, and the complaints of the citizens were loud and universal. When the bailiff of some feudal lord made a predatory incursion on the city, he often found the private houses barricaded, and their owners in a position to offer no mean degree of resistance to his lawless attack. In fact, the town residences of the people were often at this period constructed with such strength, that they appeared rather like castles than houses. The walls were of great thickness, and the separate apartments so disposed as to secure the greatest amount of

personal security. Towers of a square form were likewise often added, to increase the means of defence. It was thus that the spirit of individual daring was created, and which centuries of violence and mutual struggles, fostered and strengthened.

The Italian cities, as we have already intimated, were the regular inheritors of the Roman municipal institutions, and were never without some share of freedom to which the country districts of Italy were strangers. The political sentiments which emanated from those cities were early and extensively diffused throughout the entire European continent, and formed a powerful element in the gradual and solid expansion of liberal and enlightened ideas on individual right, and national polity. The mystery which hangs over the origin of most of these republics; their extensive commercial relations and enterprises; the singular nature of their civil institutions; their fierce conflicts for superiority, riches, and power; the perfidious and savage cruelty perpetrated within their jurisdiction; their heroic and warlike achievements; the steady growth of their mercantile and other resources, compared with the smallness of their respective territories; and their gradual declension into a state of social and political effeminacy, torpor, and decrepitude; present a chapter in the history of the human family, at once the most stirring and politically instructive.

The free cities of Italy were strictly speaking of two classes, not varying so much in their municipal physiognomy, as in the period of their creation. Italy in the height of her glory, and power, was covered with cities, many of which almost rivalled Rome herself; such as Milan, Verona, Bologna, Capua, and many

others. The political constitutions of these cities were nearly republican; for the people learned to copy after the imperial city; and consequently had their municipal senate elected by the citizens, as well as their annual counsels. These cities, however, fell a prey to barbarian invasion; but when something like social order, industry, and peace, arose again out of this disorder, these free cities still retained a greater or less portion of their former municipal customs and privileges. This circumstance imprinted a remarkable feature upon their corporate organization. The other class of free towns were those which arose from the eighth to the twelfth century. M. Sismondi describes those in the following graphic words. "They began with surrounding themselves with thick walls, ditches, towers, and counter guards at the gates; immense works, which a patriotism ready for every sacrifice could alone accomplish. The maritime towns at the same time constructed their ports, quays, canals, and custom houses, which served also as vast magazines for commerce. Every city built public palaces for the *Signoria*, or municipal magistrates, and prisons; and constructed also temples, which to this time fill us with admiration by their grandeur and magnificence." These three regenerating centuries gave an impulse to architecture, which soon awakened the other fine arts.

The republican spirit now fermented in every city, and gave to each of them constitutions, such wise magistrates, and such zealous and patriotic citizens, so capable of great achievements, that they found in Italy itself the models which had contributed to its formation. The war of investitures gave wing to this

universal spirit of liberty, in Piedmont, Venetia, Romagna, and Tuscany.

The cities of Amalfi and Venice were decidedly in advance of their neighbours. From the sixth to the twelfth century Amalfi enjoyed great freedom and independence; and Venice in the tenth and eleventh centuries, was at the height of her glory and power. The cities of Lombardy, even in the ninth century displayed signs of liberty and prosperity, and aspired to self-defence, and self-government. The citizens elected their own magistrates, subject to the approval of the Bishops.

Genoa in the twelfth century had a regular system of government, of a very popular cast. Everything of moment was reserved for the decision and approbation of the citizens. We find its parliaments continually convened whenever there were wars, or national treaties or alliances to enter into. The Tuscan cities were independent of the state about the same period of history. Florence was at the head of these. About a couple of centuries afterwards the popular party established a thoroughly democratic constitution.

The German cities were in their origin and constitution of a somewhat different character from the Italian cities. In the ninth century, the people of Germany lived in open towns or villages, under the serveillance and protection of their feudal lords. In the time of Charlemagne the city of Hamburgh was built; and in about a century afterwards, a few more walled towns appeared on the banks of the Rhine and Danube. A charter was given to Magdeburg, in the year 940, "to build and fortify their city, and exercise municipal law therein." The first city erected on the

shores of the Baltic was Lubeck, which dates from 1140, and whose charter was given by Adolphus, Count of Holstein.

The free cities of the Netherlands were earlier than those of Germany. In the tenth century Thiel contained no less than fifty-five churches, and therefore, must have contained a considerable population. Liege, Utrecht, and Tournay, are all distinguished in the middle ages. Under the forms of guilds and fraternities the people leagued themselves together, and secured their civil and political privileges. These rights consisted of the freedom of every class of citizens, the possession of property, the privileges of trial by their own judges, a limited service, and an hereditary title to feudal estates, in a direct line, on the payment of certain dues and fines. These were the rights of the Frieslanders.

Now, these two classes of free cities, the one of Roman and the other of German origin, possessed many characteristics in common, but there was, nevertheless, a prominent distinction between them. Those of Roman extraction displayed always more or less an oligarchical spirit. The old Roman usages and customs attached themselves closely to them; and the share of civil liberty possessed by the people at large, and the modes in which it was exercised, savoured strongly of the despotic spirit of Imperial authority. On the other hand, we find in all the free cities of German origin, a more republican and democratic feeling. The people set a high value upon their communal rights and customs; loved to take an active part in the choice of their magistrates and rulers; and to express their sense of public wrongs and acts of in-

justice in general assemblies, called together by their own will and power. Here common sense and feeling generally gained the ascendency over technical rules, and baronial authority; and the community of citizens felt a personal interest in every question which affected their privileges and well-being. This popular spirit ran through all the communes; and serves to distinguish them from the offshoots of Roman legislation.

These free cities of German or Saxon spirit were exceedingly attentive to all matters relative to the administration of justice. All their forms of law were of a merciful and liberal character. The first thing the citizens looked to when they obtained an act of incorporation, was to have the privilege of being tried before a tribunal, composed of twelve or thirteen men, elected by the people at large, called sheriffs. A mayor or chief magistrate presided at this tribunal, who commonly exercised but a subordinate jurisdiction, while the higher power was invested in the hands of a lay, or an ecclesiastical count or lord. By degrees, however, this higher power fell also into the hands of the mayors. The communes obtained in the due course of time a power to buy or sell its corporate goods, and officers were appointed, called *juries*. These, with the sheriffs, formed an *inferior council*. In large and populous cities the burgesses had a superior council, which was composed of its principal, wealthy and influential citizens.

Another important feature in the commercial cities, was the right of assembling in the *Grand Place*, or in some other appointed spot, for the purpose of deliberating upon all matters connected with the welfare

of the people. A clock placed in a tower, called a *Beffroi*, served as a signal for meeting together. Here the most perfect equality of citizenship prevailed; and public spirit and independence were fostered with fastidious care.

In Spain, the contests between the Christians and the Moors caused the struggling kings to seek for some stay against the encroachments of the infidels. This could only be done by means of fortified towns, which were consequently early constructed, and endowed with most extensive privileges. By the general tenor of their charters, the royal power was made altogether subservient to the civic within their walls; and though "Governors" were appointed by the king, their jurisdiction extended only to command in the field against the enemy. Large grants of land were also made to these corporations by which they became feudal superiors. But for these advantages they in turn allowed the state their bodily services against the infidels, from which no man was exempt. The term was, however, never beyond three days; and a war of defence of home and country, strictly confined to such objects, included none of the usual hardships of military service.

Communities were incorporated in Spain, much earlier than in any other country of Europe. The charter granted to the city of Leon, by Alphonso the Fifth, in the year 1020, makes a distinct reference to the municipal privileges which the citizens had previously enjoyed. During the eleventh and twelfth centuries, similar charters were conferred upon many other towns. In some instances small towns received certain corporate privileges, with a very limited share

of political power. For instance, Berenger, Count of Barcelona, confirmed the franchise of that city, in the year 1025, but this only referred to the exemption of paying rent, and from enjoying any civil or political jurisdiction below that of an affair deputed by the count. We find that a similar grant was made from the Bishop of Barcelona, to a small town in his diocese. The charters of Tarragona, and Lerida, do not contain any grant of jurisdiction whatever. The majority of historians agree in opinion that the Spanish incorporations, were by no means so extensive in their jurisdiction, nor so popular in their spirit, as those in Germany, France, and Italy.

The chartered towns of Castile are worthy of particular notice. These purchased their freedom with money, but upon the condition of protecting and governing their country. The earliest records of a communial institution in this part of Spain, is in the year 1020, when Alphonso the Fifth, in the Cortes of Leon, as we have already noticed, founded the privileges of the city, and conferred upon it a regular code of laws. The towns of Carrion, Llams, and other places were enfranchised by the same prince. Sancho the Great gave to the city of Naxara a similar municipal constitution. Sepulveda dates its charter from 1076, which was received from the hands of Alphonso the Sixth; and Lagrune, Sahagun, and Salamanca, acquired their corporate immunities not long after. The *fuero* or Spanish charter, was a regular compact between the king or the lord, by which either granted a town or a suburban district around it, various privileges, among which was that of appointing magistrates, and a common council; both of whom

were to be solely guided by the laws laid down in the deed of incorporation.

These laws, in their general forms and spirit were evidently derived from the Visigothic code, but underwent various modifications, from local circumstances as to place and time. Almost the whole of these Castilian charters, in point of liberty, went greatly beyond anything known in France or in the North of Europe. These corporate privileges included a controling power over the private estates of landholders; as well as its inalienable exercise for other communal purposes. The kingly influence was principally confined to the appointment of a governor, receiving the ordinary tribunals, and regulating the fortifications of the town, and its police establishment. The choosing of judges, and the administration of justice generally, rested entirely in the hands of the people at large. It frequently happened in the history of these towns, that even this influence on the part of the crown, was viewed by the people with great jealousy; for the governor was strictly prohibited from using violence towards any citizen without regular legal process; and by the *fuero* of Logrono, should he attempt to enter forcibly into any private house, the inmate might legally kill him.

In return for these extensive privileges, the inhabitants, were bound to pay certain sums of money, and to perform certain military services. The latter obligation was personally binding upon every citizen, except in case of sickness, or infirmity. The people were raised and equipped as militia; and the governor, with the municipal magistrates, were the commanders of it. The service was only for a limited time;

though this depended upon particular circumstances. Citizens of a certain amount of property were bound to serve on horseback; but for this expense, they were exempted from taxes. This regulation created a distinction among the citizens; the cavalry were called *Caballeros*, or noble class, and the other *Pecheros*, or payers of tribute. There was nothing, however, like hereditary distinction in this; it was merely a superior order of citizenship. The houses of these Caballeros, could not be seized for debt; they were themselves eligible to the magistracy; and the laws inflicted as penal, anything like insult or molestation towards them. In all civil courts, both rich and poor were placed upon the same footing of equality.

The French Kings, Louis the Sixth and Seventh, conferred a great number of charters upon towns in France. So general did these instruments of enfranchisement become, that at the end of the thirteenth century there were few towns without them.

The Benedictine historians maintain that the city of Nismes had a municipal institution in the middle of the tenth century. The charter of the city of Narbonne dates about the year 1000; although it is only first mentioned in 1080. In the year 1131, the consuls of Beziers are mentioned; and, therefore, its communal privileges must have been anterior to that period. Toulouse lays claim to great antiquity, though its charter of incorporation only dates in 1148. The cities of Montpellier, Marseilles, Arles, and others of less importance obtained their corporate rights about the same period.

It was, however, a different matter with the free cities in the north, and east of the Loire. The numer-

ous inroads of the barbarians had here completely demolished all the Roman institutions. The inhabitants of the towns had been divided among the feudal authorities; and the other part were saved from almost entire annihilation, solely from the conservative influence of the church. In the course of time, towns increased in wealth and population, and became the seats of bishops' Sees, Monasteries, and Abbeys. The inhabitants acknowledged the political authority, sometimes of the ecclesiastical Lord, the lay Lords, and the Abbots. In some cases, also, a division of this power was made between the lay and the clerical Lord, who each governed that part of the inhabitants of the town where he belonged. By this treaty, time and circumstances gradually increased the security which was appended to these communities; and this made them sought after as places of residence for tradesmen, and handicraftsmen, feudal vassals, and the more opulent merchants. The very nature of these social confederacies, inspired the people with principles and sentiments of liberty and independence; and these were often manifested in conflicts with the feudal lords and counts in the vicinity of those towns.*

All the cities of France were subject to some Lord. In these towns called episcopal, the Bishop was the source of authority. On the whole there was not nearly so much freedom and independence of sentiment

* Ordannances des Rois, prèfaces aux tomes XI. et XII. Du Cange, voc. Communia, Hist. Carpentier, suppl. ad Du Cange. V. Hist. Malby, Observations sur l'Hist. de France, 1, iii. c. 7. The last author positively affirms that the communes had the right of levying war, lib 3, c. 7. Breguigny seems to agree with him in this opinion. Ordannances des Rois, prèface p. 46. See also Histoire de Lanquedoc, tom 3, p. 115. And it is worthy of remark here, that one of the privileges of chartered towns was, that of conferring freedom on removing serfs and villains. This privilege was very general.

found in this important section of Europe, as in many other parts of it. The power of France was distributed among the feudal lords; the monarch being allotted but a small share above the rest.

The general statements of historians fix the origin of chartered towns, or free cities in England, about the twelfth century. That of London dates from Henry I. A great number of these free communes were created by Henry II., and also by King Richard, and King John. The creation of a borough interest, affecting political institutions, may be dated from this period.

But there is little doubt that many free cities or towns existed in England long before this date, though perhaps not regularly guaranteed by formal charters of incorporation. Lord Littleton, in his history of Henry II., affirms it as certain, that in England many cities and towns were bodies corporate long before the introduction of charters into France by Louis the Gross. This statement has, however, been controverted.*

It must ever be a matter of great difficulty to form any just and adequate conception of the mode and degree in which political literature was affected, in the early and middle ages, by the popular and republican institutions of free or corporate cities. When they were in the height of their freedom, power, and wealth, the art of printing was unknown, and consequently the records of their civil movements, and the expression of the individual and collective sentiments of their inhabitants, at any given time, were without any active and direct instrument for their diffusion and development. The charters of incorpo-

* See Hallam and Sharon Turner, on this point.

ration themselves, and the civil constitution of each state, were carefully guarded; and it was to these written documents that constant appeals were made by the citizens, whenever their rights and privileges were in danger. The general contents and bearings of these documents must have been pretty accurately impressed upon the memories of the people, and handed down from generation to generation; and they must likewise have been subjected to comment and elucidation in temporary writings, which have now entirely sunk from public view, or which, if still in existence, are only to be found in the obscure corners of large and public libraries, whose contents are but imperfectly known, even to those who have charge of them. In the civil broils and struggles which incessantly took place in these republican and commercial communities, there must have been many political productions from the pens of the more intelligent and zealous partizans, bearing on the chief points of dispute, and which were no doubt circulated from hand to hand in manuscript copies. It was only by such means as this that the leading principles of different parties employed in these political contentions, could have been handed down to us, in modern times, as historical facts and materials.

The free cities must have proved a fertile soil for the growth and cultivation of the general political sentiments of the scriptures, even imperfectly as these were known at the time. It was here that the clergy as a body had great weight and influence. Every one must have noticed that, while the church was straining every nerve to extend its political power, and to gain the mastery over princes and people, there was a steady

advancement of popular right and liberty, flowing and augmenting in many of the chief towns of the European continent. This was a great counterpoise to the dogma of ecclesiastical authority. The clergy saw this but could not better themselves. They had to suffer the liberal tone of feeling to run its course. In many epochs of its history the church even encouraged this independent spirit, and made it subservient to their present interest and power. We have, however, other decisive and pointed proofs, that the current of civil freedom was greatly augmented and accelerated by religious opinions, from the fact, that in many of the old charters of incorporation we meet with expressions such as these:—"We demand the rights and privileges God has given to mankind, as proclaimed in his Holy word."—"We appeal to those principles of justice and rectitude which the Scriptures inculcate."* Indeed, it is one of the most interesting labours of the historian and philosophical politician to trace out these early appeals, in the ancient records of civil governments and institutions, to the great and living principles of Divine revelation.

* See some of the Belgian charters, and those of Castile and Aragon, in Spain.

CHAPTER XIV.

ON THE EARLY DEVELOPMENT OF THE PRINCIPLE OF POLITICAL REPRESENTATION; ITS INFLUENCE ON THE CURRENT OF OPINION, AND ON THE NATURE AND USES OF GOVERNMENT GENERALLY.

THE principle of political representation is one of the most important in the entire circle of general polity, both for its practical benefits and as being the source of a great portion of our philosophical and popular literature on the art of government. This principle embraces a great variety of considerations, not falling very obviously under the notice of ordinary readers and thinkers; and on this account it is entitled to a more formal and full development than many other purely functional parts of general legislation.

To be acquainted with the current history of this salutary principle of modern governments, is indispensible for the correct comprehension of a great majority of political works, both philosophical and popular, which are daily issuing from the press in almost all countries. It is here that we have a striking example of the necessity of having distinct, precise, and positive conceptions of political institutions, before we can enter, with any chance of benefit, into the regions of purely speculative po-

litics. Without a full and correct idea of the practical, we cannot judge of the theoretical. The positive enactments of a country, the reasons for their adoption, and the circumstances attending their origin and progress to perfection, are the only infallible and established means for guiding the spirit of speculation into wholesome and rational channels.

It is commonly considered, by the ablest writers on the subject, that political representation is an invention of comparatively modern times. In all Oriental governments it is entirely unknown as an instrument of government; the will of the monarch supercedes all manifestations of the individual principle of civil judgment and action. But something approaching to representation is clearly traceable to all the ancient Commonwealths of Greece, Asia Minor, and Italy; and it was, no doubt, from this source that it descended to the Romans, and formed, under many warlike regulations, a constituent element in their general system of legislation.

It is maintained, however, that the representative principle developed by ancient Greeks and Romans, was not the genuine principle of modern representation, but simply a power of *delegation*, which, in its nature and operation, is altogether a different thing. The functions of the delegate of a given community was to act for that community, among other delegates of the same order, and to consult only about what was for the benefit of those who supported or sent him. He was not a representative of any community, interest, or class of persons, but of those who commissioned him; just, in fact, in the same sense as an ambassador

is appointed to represent his sovereign in a foreign court. The delegate whenever sent, was to look to the separate and independent interests entrusted to his care, and had nothing to do with anything beyond them. When a person in ancient times was delegated to a general Council or Diet, he had nothing to do with the internal administration of the states which were represented in it. He could only deliberate on matters concerning the mutual interests of the different states, in their common negociations with foreigners and other nations.

The principle of representation is, therefore, entirely different from that of delegation. The representative is entrusted with a portion of the general government of the state, while the delegate is confined to local and specific matters. The representative principle is fully and concisely described by Judge Blackstone, when speaking of the English House of Commons. "Every member," says he, "though chosen by one particular district, when elected and returned, serves for the whole realm. For the end of his coming thither is not particular, but general; not barely to advantage his constituents, but the *commonwealth.* * * * And, therefore, he is not bound, like a deputy in the United Provinces, to consult with, or take the advice of, his constituents upon any particular point, unless he himself thinks it proper or prudent so to do."*

The genuine representative principle is commonly supposed to be of German or Saxon origin. The German tribes, long before they left their primeval forests, to make war on Imperial Rome, had fixed and stated assemblies to deliberate on public

* Commentaries, vol. 1, p. 159.

affairs. This fact is substantiated by the direct testimony of Tacitus, the Roman historian. When these tribes secured possession of some of the Imperial provinces, they continued to hold these general assemblies, and enlarged their sphere of debate by embracing all matters, both of a military and civil nature. As their conquests increased, so likewise did the number of these public meetings. When the feudal system arose out of the conquered lands, the leaders of the people—that is the barons—established their power, and became the chief men of influence who attended and took a part in these national assemblies. What share of real power the mass of the inhabitants enjoyed in these deliberate councils, is purely a matter of conjecture.

In addition to this theory, it has been surmised, and with much apparent probability, that the scheme of representation, if not created, must at least have been greatly perfected by the municipal institutions of the old Roman cities, aided by the movements of the Church, relative to the organization of its general councils and assemblies. The very nature or idea of a free town necessarily implies the regular exercise of some forms or other of the representative system. The meetings of the Bishops for the public discussion of questions of doctrine and discipline, were the most perfect types of modern legislative assemblies; for the reverend Divines were invested with the most absolute power to act and decide on the questions before them, in accordance with the dictates of their own unfettered will and judgment. The fre-

quency of these theological councils, and the lively interest they excited over extensive ranges of country, must, in the early ages of European civilization, have exercised on the public mind a decided and beneficial influence in regard to every public matter or question, demanding calm and deliberate discussion. The spirit of christian fairness, prudence, and charity; the argumentative arrangements and skill; and the minor regulations necessary for the functional exercises of every deliberate body, which these theological gatherings uniformly displayed; must have had considerable effect in imparting a healthy and rational tone to all those civil and political measures, requiring careful examination and discussion. A distinguished Italian author affirms, that the expression *to vote*, was borrowed from the practice of the councils of the Church.*

There can be little doubt, but that the earliest form of political representation in Europe, may be dated about the termination of the eighth century, in the reign of Charlemagne. This was the origin of the French States General, one of the most early and regularly constituted public bodies, of which we have any account in the records of modern nations. Historical documents, of undoubted authenticity, show how most of the courts and councils of this monarch were composed. Those who held property under the crown were to assemble twice a year, in summer and autumn, to discuss public matters; and the persons called to perform this duty are spoken of, by a historian of that period, as "Cætera multitudo," and, "Cæteri in-

* Sarpi, l. 2, c. 30.

feriores personæ." Early in the ninth century we find persons, though not elected as representatives, appointed by the people at large to fill the places which gave them admission to the estates. In the year 819, we have a writ, requiring each count to bring with him twelve echevins, scabini, or rachinburghers, if there were that number in his domain; and if not, to make up the number by the better sort of people, (de melioribus hominibus ejusdem commitatûs.) Though this left the choice of the substitutes to these counts or nobles, yet the echevins were all elected by the people. The capitulary of Worms, (829) requires the *Misi* to expel all bad echevins, and replace them by good ones, chosen "totius populi consensû." In the Alemannic law there is a prohibition to hear any causes, unless with the assistance of an assessor appointed by the people. From these facts, and others that might be brought forward for the same purpose, it is maintained, that a certain form of popular representation, may be dated from the commencement of the ninth century.*

The Saxon tribes are said to have been more attached to personal liberty than either the Franks, who founded the French monarchy, or the Normans, who settled in a particular section of the French territory.

The nature and history of the Commons' House of Parliament in England, have given rise to much discussion in modern times; and very contrary and discordant opinions have been held on the subject, both by politicians and historians. The causes of this difference may be referred to several sources. The subject itself, in some parts of its structure, is wrapped

* Lord Brougham's Political Phil., vol. 3, p, 49, et seq.

in great obscurity, from the want and imperfections of historical documents. This relates more especially to the early history of the English constitution. But the great source of that contrariety of opinion we find on the nature, origin, and privileges of the lower house, arises from the different political creeds of writers on the subject. To one whose general principles of polity have a manifest leaning to arbitrary power, the popular constitution of the assembly of parliament, becomes a theme by no means very enticing. Such a one is apt to distrust facts, to invent plausible theories, and to stifle the voice of history, in order to preserve the consistency and stability of his own personal opinions. On the other hand a partizan of an opposite theory may pursue the same partial and one-sided investigation. In his eyes, everything relative to the ancient constitution of the Commons, will savour, more or less, of popular rights and privileges. The great influence of party feelings in treating of both the history and nature of the Parliament, may be clearly evinced, by even a slight attention to the spirit which pervades all our very best and most scientific writings on this important subject. The personal opinions of their respective authors may be distinguished with as much certainty as if we saw them, under the guidance of their favourite parliamentary candidates, giving their votes at the polling booths.

We do not complain of this state of things. We must take human nature as we find it. Neither can we lay any claim ourselves to complete impartiality, on such a subject. But it is always useful, and desirable that the marked influence which party feelings exercise over our

judgments, in such matters, should be fully and generally recognised; and that a due allowance be made, in summing up conflicting evidence upon any interesting or vital points in philosophical history.

As to the antiquity of the British Parliament, we have substantially only two theories; one which carries its origin back to Saxon times; and the other which fixes it, somewhere about the middle of Edward the Firsts reign. In the first theory, it is maintained that all the boroughs, or free cities, sent members to the Saxon Witenagemot, or Parliament, from the earliest times; that this institution was interwoven with the whole system of government; that it was strictly in keeping with all the earliest accounts of the Saxon tribes, who, upon great occasions, invariably observed the rule of consulting all the people upon the expediency of political measures; and that up to the period of the Norman conquest, no interruption occurred to this uniform mode of representation. Sharon Turner remarks, that "The popular part of our representation seems to have been immemorial. There is no document that marks its commencement. And if the probabilities of the case had been duly considered, it would have been allowed to be unlikely, that the sovereigns and the aristocracy of this nation would have united to diminish their own legislative power, by calling representatives from the people to share it. Neither kings nor nobles could alone confer this power; and it would have been a voluntary and unparalleled abandonment of their exclusive prerogatives and

privileges, that they should have combined to impart it to others, if these had not possessed an ancient indefeasible right of enjoying it."*

In addition to these reasonings, founded upon the probabilities of the case, the advocates of the theory of ancient popular parliaments, adduce certain authorities and statements to strengthen their case. Lord Littleton says, that "the ancient towns called burghs, are the most ancient cities that are in England; for these towns that are called cities were called burghs in ancient times; and were burghs. For of such ancient cities, called burghs, come the burgesses to parliament, when the king has summoned his Parliament." And the statement of Lord Coke corresponds with this declaration of Littletons'. The former remarks, in his notes upon the writings of the latter, that the writ directed to the sheriffs, did not declare that he was to send them to this or to that borough, but to *every* burgh, as if all enjoyed, without distinction, the same political privilege.†

Although it is admitted that there is no *direct* evidence that the cities and burghs were represented in the Saxon Parliament, yet the *indirect* evidence is very strong. And this is shown by the two cases of Barnstaple, and St. Albans. Barnstaple sent a petition to Parliament, in the reign of Edward III., in which the burgesses laid claim to have been a chartered town in the time of Athelstan, and to have sent from time immemorial burgesses to Parliament. These claims were entertained by the legal authorities of the day; investigated by jurors; and the right of sending

* History of the Anglo-Saxons, vol. 3, p. 108. † Coke, on Little, p. 100.

burgesses to the Commons was allowed to be continued. In Edward II., reign, the borough of St. Albans, sent a petition to Parliament, in which the burgesses affirmed that they, *as other* burgesses of the kingdom, had always sent two burgesses to the Parliament; but that the sheriff, under the influence of the Abbot of St. Albans, had not sent his writ to the borough on this occasion. The answer to this petition was, not a denial of the right of the town, but a reference to Chancery to see if this right had been regularly enjoyed.

What classes of persons enjoyed the elective franchise, has also been a subject of dispute; although there is more unanimity on this point, than on the origin of the Parliament. It appears pretty evident, that only freemen of the counties voted; or what are now called freeholders; and the free inhabitants of burghs and cities. The great mass of the population were shut out from the exercise of this privilege of representation.

What kind of persons were called by our Saxon rulers to take a part in the great councils of the nation, is also, a controverted point. Ina, in his introduction to his laws, distinctly alludes to *three* classes of persons, assisting at their formation. "My Bishops, and all my Aldermen, and the eldest *witan of my people*, and a great collection of God's servants."

So far for the theory of the House of Commons having a Saxon origin. On the other side, it has been stoutly contended, especially by Dr. Brady, in his *Treatise on Boroughs*, "that there were no citizens, burgesses, or tenants of the king's demesnes summoned to great Councils or Parliaments until the 23d of Edward I.," and also, that the cities or burghs generally,

did not send deputies to the Commons' House, till a long time after the conquest.

After this period a considerable change took place in our system of national representation. The councils of the nation held by William the Conqueror, were composed of the Bishops, heads of religious houses, with Earls and Barons. About what constituted their respective titles, on which there has been so many disputes among legal antiquaries, we shall not now inquire. But it appears that something like a system of representation was adopted by William, only four years after his conquest. We are informed by Hoveden, that he ordered twelve persons skilled in the customs of England, to be chosen from each county, who, upon oath, were rightly to inform him of their laws; and the assembly was ratified by consent of the great council. Sir Matthew Hale, maintains that this was "as sufficient and effectual a parliament as ever was held in England."*

Historians affirm there is nothing to guide us to the nature of county representation, till we arrive at the fifteenth year of King John, who issued a writ directed to all the sheriffs in England, requiring them to send certain persons from each county in the character of representatives. More distinctive proofs of elections are found in the time of Henry III. In the thirty-eighth year of his reign, he directed a writ to the sheriff, which, after reciting that the earls, barons, and other great men were to meet at London, three weeks after Easter, with horses and arms, for the purpose of sailing into Gascony, directs him to compel all within his jurisdiction, who held twenty pounds a

* History of Common Law, vol. 1, p. 202.

year of the king in chief, or of those in the ward of the king, to appear at the same time and place. And that, besides those mentioned, he shall cause to come before the king's council at Westminster, on the fifteenth day after Easter, two good and discreet knights of his county, whom the men of the county shall have chosen for this purpose, in the stead of all and each of them, to consider, along with the knights of other counties, what aid they shall grant the king in such an emergency.*

The majority of our constitutional writers fix upon the year 1265, as the period when representation was unequivocally established. Henry III., in the forty-ninth of his reign, issued writs in his name to all the sheriffs, directing them to return two knights for the body of their county, with two citizens or burgesses for every city and borough contained within it. From this time the House of Commons became a regular national organ; varying, it is true, in some of its minor forms, but essentially preserving its leading features during all the vicissitudes of the general government.

The representative system of France, in the early period of history, of which we are now treating, was never so liberal and extended as in England, during the same period. There was nothing approaching to county representation in France; the lords and barons of the kingdom attended the national councils by virtue of their feudal privileges and rights.

The fundamental functions of the different national assemblies of Spain, were the power of general legislation, and the refusing to pay taxes, unless sanctioned by the representatives of the people. Any encroach-

* Brady's Hist. England, vol. 1, p. 227.

ments on these vital privileges, was resisted by a zealous and sturdy independence. The form of the oath of allegiance was singularly guarded and qualified. "We," said the barons, "who are each of us as good as you, and who are altogether more powerful than you, promise obedience if you maintain our rights and liberties; but if not, not." In 1205, Peter II., of Arragon, imposed a general tax, which was refused payment by the nobles and people united. The Cortes of Medina del Campo, in 1328, passed a law prohibiting any impost being laid upon the cities without the consent of their representatives, in Cortes assembled. And so zealous and sparing were the deputies generally of all grants of money to the crown, that the Cortes of Castile, in 1258, made a representation on the subject to Alphonso X., stating, among other things, "that they considered 150 maravedies, (or 18 shillings a day of our present money) quite sufficient for himself and his wife, and that he ought to recommend to his suite to eat more moderately." About a century and a half after this, the Cortes of the same kingdom observed, in a remonstrance to John II., "Once infringe upon this privilege of controlling the public money, and all the other liberties of the subject become an illusion."

The free cities of Spain being among the earliest and most independent in Europe, the spirit of freedom and liberality they created and fostered, displayed itself in the early history of the national representation. In the kingdoms of Navarre, Leon, Gallicia, Castile, Arragon, and Portugal, there were representative assemblies in the eleventh and twelfth centuries. These assemblies were called *Cortes*, or Courts. Some

of the most important towns in Arragon sent representatives to its Cortes in the year 1133; and similar towns in Portugal sent members to its own parliament, in 1140. The Cortes of Castile was summoned by the king in 1169; and in the year 1300, ninety towns sent deputies to it. In 1315, there were 192 representatives at the Cortes of Burgos, sent from 111 cities; of which some sent over one, some two, some three and four, and one as many as thirteen. But each town had but one vote. The Cortes of Madrid, from the year 1188, till 1391, sent 126 deputies from 50 towns.

The Italian cities, principalities, and monarchies lay claim to great antiquity in the exercise of the representative function of government. There is, however, throughout these various republican commonwealths, a great diversity in the modes in which the elective privileges were exercised; in some places, and at some periods, there were great liberty and independence; at other places and periods, the citizens had to make concessions and compromises to the dominant powers or factions of the day. Still the popular assemblies, viewed over an average of centuries, seemed to have retained the leading characteristics of representative freedom, and to have made bold and successful struggles against the numerous enemies, both internal and external, which on every side beset them.

In the Lombard-Venetian towns, there was a considerable share of political freedom enjoyed, at a comparatively early period. A general assembly of the citizens was called upon all great occasions; but we have little or nothing in the shape of history to lead us to any accurate conclusions, as to which was the

mode of proceeding at these national parliaments, nor of what ranks of persons they were constituted. There was an assembly held by Otho II, (980,) which is mentioned as the "accustomed convention of the nobles and Italian Cities of Roncaglia;" hereby distinctly intimating, that such national meetings had for some time previously existed. They were sometimes called *Placitum generale*, and sometimes *Mallum*.

Most of the chief towns in Sicily, had a representative form of government in the thirteenth and fourteenth Centuries. The form of the writ which Frederick I. sent to the City of Syracuse, (1240,) has often been noticed by historical writers, on account of its resemblance to the early writs issued in England in the reign of Henry III. The Sicilian writ runs thus. "To the Bailiff, Judges, and all our faithful subjects of the town of Syracuse greeting. Whereas for the peace and quiet of our Island of Sicily, to which we have kindly turned our care and solicitude, we have appointed a general parliament, (Generale Colloquium,) to be holden at the feast of Epiphany next ensuing, at Heraleia, in which we will that the Syndics of the cities, towns, and most famous places of Sicily should be present, we command you upon your allegiance, that forthwith on the receipt of these presents, you do unanimously and harmoniously choose and approve from the better and sufficient persons among you, two Syndics, our faithful subjects, and, so chosen and approved, send them provided with the authority of you all, with the degree of election and approval, to the place and at the time aforesaid, in order that we may have them without fail, along with the Syndics of other cities, towns, and places, on the

said Feast, in the said Parliament; to which your Syndics you shall pay or cause to be paid their reasonable expenses out of any monies belonging to your corporate body; and if for want of such monies you provide no expenses, that you intimate the same in your letters to us, sending the Syndics to us as aforesaid, in order that we may provide the same."

It cannot fail to strike the reader, as a curious and interesting feature in the early history of representative governments, that so many nations seem to have simultaneously adopted nearly the same plans for the attainment of an elective check against the influence of absolute oppression, and legislative power. The establishment of these parliaments in different countries, within a couple of centuries of each other, bespeaks the active presence of a general principle of intelligence and independence, pervading the entire mass of European Society:—a principle, too, the growth of which was so apparent and rapid, while the Church was proceeding day by day in successfully maintaining political dogmas, entirely subsersive of national improvement, and progress in knowledge. Truth and error, liberty and dependance, seem to have been pitted in a race against each other; but though the contest was long, and success doubtful, yet the solid civil institutions, which the inhabitants had reared by virtue of their elective privileges, ultimately gained the day over the abstract theories and doctrines of Papal aggrandisement and power.

Independent of the mere external history of the representative principle, a brief outline of which we have given, there are many interesting speculative questions connected with its exercise, which it would

be very advantageous to discuss. The *philosophy* of the representative plan of government, is a subject on which much might be written, useful to both representatives and people. We shall, however, not enter on the discussion here, as it will come more regularly before us, when we have to advert to those writers. who have in modern times, treated of the subject at considerable length, and with great learning and ability.

There are, however, one or two points, connected with the abstract nature of political representation, which we shall just advert to, before closing this chapter. First, the principle of authority is directly involved in the act of representation. We leave our interests to be disposed of according to the judgment of others; we implicitly confide in their good sense, good faith, and public devotedness. The practice of sending men to act in public assemblies, implies the total inability of the multitude to legislate for themselves, in their aggregate capacity. The representative is the person to do that which the people cannot do for themselves. This dependence on the will, authority, and influence of another, naturally gives rise, among the body of electors, to certain kinds of checks against the irregular exercise of the representative function termed *instructions or pledges.* The nature and extent of these are, however, matters appertaining to the political discussions of modern times; for in the early periods of European representation, the only pledges required were those of general intellectual capacity, social position, or sound patriotic sentiments and opinions.

Again, the representative principle involves the

idea that a person sent by the people to the councils of the nation, is *specially* fitted and educated for the fulfilment of his duties. This theoretical notion is quite opposed, however, to what actual practice teaches us. Representatives are not educated to politics as a profession, in the same way or manner in which a lawyer, physician, or clergyman, is schooled into his profession; but are simply men of more or less general knowledge of public affairs and government duties, and possessing a requisite amount of public spirit and independence for the effective discharge of their duty. The vast range of politics as a science, places the grasping of it, as a whole, beyond the intellectual power and ability of any single mind, nor would, indeed, *professional* politicians be desirable in any state, even could they be reared. The art or theory of civil government is of such a plastic and variable nature, that professional or fixed habits of thought of any kind, are directly opposed to its successful prosecution, and its advancement in the path of enlightened progression.

CHAPTER XV.

ON THE INFLUENCE OF THE CRUSADES ON POLITICAL OPINION AND LITERATURE.

THE influence of the Crusades on the interests of political speculation and inquiry, is but of a subordinate and indirect character. This singular movement among European nations, is comprised within the years 1096, and 1391. A few observations on its general aim and results are required, for the use of the ordinary reader.

The chief causes of the Crusades may be distinctly traced to the ecclesiastical power of Rome, and to the inherent and deep-felt interest which christians, from the most remote periods, took in every thing relating to the land of Judea;—so memorable for the life, sufferings, and death of our Saviour. We find in all the writings from the Apostolic times to the first Crusades, perpetual allusions made to the Holy Land, and to the reverential awe in which its entire history was enveloped. In the writings of the Troubadours we meet with the most enthusiastic and extravagant expressions, as to the necessity and importance of the Crusades; and in the breasts of the Roman Pontiffs, there had long been lurking the most determined

feelings of hatred against the infidel occupiers of this hallowed spot. Witness, for example, the language of the Pope, in the council of Claremont, who says, "you will turn against the enemy of the Christian name, those swords, which you are incessantly sharpening against each other; which that salutary truce, ordained by our predecessors, has not been able to make you lay aside; and which you must now sheath, if you are not willing to be struck with the anathema, which we have just now launched against every one who should dare to infringe it. Since you must have blood, bathe yourselves in the blood of infidels; wash away, in this guilty blood, the blood of Christians, with which you are polluted. Oppressors of the widow and of the orphan, robbers, assassins, famished vultures, who have no pleasure but in fields of carnage, behold the moment, when you may prove whether you are animated by a true courage, whether you are warriors or savage tigers, such as you have hitherto shown yourselves."*

The most active and influential instrument for the organization of the forces of the Crusades, was Peter the Hermit, a man of the most enthusiastical turn of mind, of indominable perseverance, and considerable eloquence. He went into various countries and localities, riding on an ass, and preached the religious obligations which all Christian States lay under, to furnish men and money for the complete extirpation of the usurpers of Judea, and the blasphemers and contemners of the Christian name and creed. He inflamed the minds of every people among whom he sojourned, with the most bitter and furious zeal; and in the course of a very

* Esprit des Crois, tome 3.

short space of time, he so successfully worked on the feelings of the principal sovereigns of Europe, as to induce them to equip and send an army to Palestine amounting to upwards of two hundred thousand men.

This powerful armament was after a few years entirely destroyed. For upwards of two hundred years, Europe kept sending troops, some by sea, and some by land, to the scene of warfare; but in the year 1291, the crusading power was entirely expelled from Asia; after a series of conflicts and disasters, which history alone is competent to detail.

The influence of the crusades on the political sentiment of Europe, may be variously estimated, according to the general tenor of the philosophical and religious opinions of authors. These greatly modify the judgment of all men, but especially that of party writers, and politicians. It is not, however, by an estimation of the abstract character of such gigantic enterprises as these of the crusades, that we are placed in a fit position to form correct ideas of their influence on general opinion, but by taking into consideration the several minute and varied circumstances that flow from them, and which act and re-act on human conduct and institutions, in a thousand unperceived modes and degrees. It is often by the operation of such slow and imperceptible causes that great national objects are obtained and matured.

The extension of liberal and enlightened principles of commercial intercourse and policy, has been allowed by most writers, as an acknowledged and unequivocal result of these crusades to the Holy Land. The reduction of the Greek Empire in the first instance, and its re-establishment in 1261, in the second, were

both highly instrumental in the extension of international communication, and of promoting the interests of general commerce. Many interesting Provinces and Islands in the Eastern section of Europe were conferred on valiant chieftains who had signalized themselves in the Holy Wars; and these colonies were often turned to good account in the promotion and extension of knowledge, both political and artistic.

Mutual intercourse is an element in the full development and progress of society, of immense value. A knowledge of our common nature, in all its diversified aspects, is reforming, interesting, and conciliatory. The more that political relations of kingdom with kingdom are studied, the more do mutual ties on all sides multiply and bind together. The Crusades, therefore, viewed in this light, were decidedly improving to the permanent interests and consolidation of political literature. They enlarged the intellectual vision of mankind, and displayed and demonstrated the universal application and value of many of the most general and influential principles of political science.

In breaking down the feudal system, already noticed, the Crusades were decidedly serviceable. This effect became a powerful cause in giving increased power to the great body of the people in every country, and extending opinions and sentiments favourable to political liberty and happiness.

On the influence of the Crusades, M. Guizot makes the following remarks. "The principal effect, then, of the Crusades was a great step towards the emancipation of the mind, a great progress towards enlarged and liberal ideas. Though begun under the name and influence of religious belief, the Crusades deprived reli-

gious ideas, I should not say of their legitimate share of influence, but of their exclusive and despotic possession of the human mind. This result, though undoubtedly unforeseen, arose from various causes. The first was evidently the novelty, extent, and variety of the scene which displayed itself to the Crusaders; what happened to travellers, happened to them. It is mere common place to say, that travelling gives freedom to the mind; that the habit of observing different nations, different manners, and different opinions, enlarges the ideas, and disengages the judgment from old prejudices. The same thing happened to those nations of travellers who have been called Crusaders; their minds were opened and raised by having seen a multitude of different things, by having become acquainted with other manners than their own." The same writer goes on to observe that "a vast and unexplored world was laid open to the view of European intelligence by the consequence of the crusades. It cannot be doubted that the impulse which led to them was one of the most powerful causes of the development and freedom of mind which arose out of that great event."*

"Those strange expeditions," says Lord Brougham, "had an important influence upon European manners and institutions. For the present we have only to remark their effect in extending the spirit of civility and courtesy, which the feudal aristocracy had already begun to diffuse. Those who did not join the crusades were, nevertheless, animated by similar feelings, not of a sordid, but of an enthusiastic nature. It was no longer the savage love of plunder or the necessities of providing subsistence, the mainspring of the barba-

* Histoire de Civil: p. 250. See likewise Note C, at the end of the volume.

rous inroads, that excited men to warlike enterprises. The religious feeling, which led them to Palestine, had its origin in a pure though perverted sentiment; it was the same which had formerly made pilgrimages a duty and a pleasure; but it was now joined with military valour; and though connected with the hope of reward, it was hope of reward in another world. The Crusader was the pilgrim armed; added to the patience and fortitude of the wayfaring man, the active courage of the soldier fighting for religion's sake. Many, doubtless, joined the train from more sordid motives, and love of temporal conquest engrafted itself on spiritual zeal; but the stock was of a kind more or less sentimental. Hence they who did not take the cross, partook of the spirit which filled the Crusaders, and their activity and enthusiasm was exhausted upon works of a kindred nature at home."*

* Poli.: Phil.: Vol. 1, p. 322.

CHAPTER XVI.

THE INFLUENCE OF CHIVALRY ON POLITICAL AND SOCIAL SENTIMENT, OPINION, AND LITERATURE.

THE political feelings and sentiments of modern times, owe much to the institution of chivalry. It was an offshoot of both the feudal system and the Crusaders; and it has moulded the social and political arrangements of every country in Europe, and refined and elevated the habits of society generally, to an extent, which few, looking merely at its outward and somewhat grotesque displays, would be led to imagine.

The institution in question dates back to about the eleventh century; and is ascribed, by some writers, to the aggrandizements of the French barons, as it was developed in the dynasty of the early kings of France. However this may be, certain it is, that this class of nobles displayed the power and pomp of little sovereigns, and in their respective spheres vied with the king himself in ostentatious ceremonies. Every baron kept up the formalities of a little court; and in these courts the nobility were trained to manners and etiquette. In imitation of royalty, the nobles distributed the offices of their establishments among their

relatives and favourites; and, in the course of time, it came to be generally arranged, that to be eligible for any such offices, depended upon the chivalrous conduct and demeanour of the candidate. The age of twenty-one was fixed when knighthood might be conferred. Courtesy was a most essential quality for a knight, and was inculcated on his mind from the first hour of his courtly training. This circumstance is mentioned by one of our earliest poets, Spencer, in the following lines.

> "Of court it seems men courtesie do call,
> For that it there most useth to abound;
> And well beseemeth that in prince's hall
> That virtue should be plentifully found.
> Which of all goodly manners is the ground
> And root of civil conversation."

The customs and feats of chivalry were modified by three great principles;—the military spirit, religion, and a devotion to the female character. These acted and reacted on each other in a variety of ways and degrees; and this produced that strange medley of sentiment and conduct so strikingly characteristic of the knights of chivalry. The military spirit arose out of the customs of the German tribes, who, Tacitus informs us, never offered to place arms in the hands of their youth, until they had been publicly presented to them by some person of quality and distinction. This species of investigation was common to the Goths and Lombards. This military custom was, however, of itself but an unsettled and violent one; and without other modifying influences would only have been distinguished by a spirit of violence and revenge.

The religious element entered largely into all the displays of chivalry. The qualities which constituted

a true and enlightened Chevalier, were faith, charity, justice, reason, prudence, temperance, strength, truth, liberality, diligence, hope, and courage. In the oath which every knight took it was stated that the widow, the orphan, and the friendless and helpless generally, had a peculiar claim on his protection, even to the hazard of his life; and the practice of every virtue, and the graces of polite and becoming behaviour were, solemnly vowed by the candidates for the honourable distinctions of chivalry. It is true, that there was a large leven of mere formality, superstition, and insincerity in these declarations and promises; but still, after making a fair allowance for this, they exercised a powerful influence in softening the manners, abating the ferocity, and calming down the turbulent pertubations of the society of the times, and fitting it for social and political instruction and knowledge.

Next to the religious feelings, was the veneration which every knight expressed for the female sex. His very first lesson embraced the love of God and the ladies. This specific direction, given to the feelings of men in early life, imparted to every movement an agreeable gentleness and suavity of manner, which was felt to the lowest grade of society, and which tended to place the female character, in a social and political point of view, upon the same footing as that of the bolder and hardier sex. "A religion of the heart," says a late writer, "while it addressed itself with peculiar power to the gentleness and affection of the female character, exalted in the estimation of men the very qualities by which the other sex is distinguished; and as it held out equally to women, as to men, a hope of future happiness, in comparison with

which the distinctions of their present existence could possess no importance, it on this account also tended to establish between them an equality of intercourse. The two ingredients of the modern society of Europe, the German tribes and the subjects of the ancient empire, were thus alike, though by different causes, prepared for giving the due consideration to that half of the species, which had been either held in a degrading inferiority of condition, or permitted to disturb the whole order of society by unrestrained licentiousness."*

The manifestations of female influence were displayed by the knights in those tournaments, which have of late years excited so much attention from novel and historical writers. These exercises took place before the eyes of the most beautiful and accomplished ladies in the several courts of Europe, and in the midst of great pomp and splendour. The gallant knights contended for the objects of their choice, in all the divers modes of military skill; and the prize set before them was, to become the chosen objects of female approval and approbation. Various imposing ceremonies attended the preparations to the combat. The ladies on some occasions led the several combatants in chains, as an emblem of their being their devoted slaves; and in all cases the knights before they commenced their struggles, proclaimed aloud the names of those particular ladies whose servants they professed to be, and whose smiles and favours they were desirous to secure as the token of victory. The ladies generally conferred badges on the knights to distinguish them in the field; and these became objects of eager contention by the rival champions. When the honours were to

* Millar's, Phil: of History, vol. 2.

be rewarded, the females again appeared, and mingled in the contest; being often chosen as umpires in disputed cases, and invariably as the bearers of the prize, and the superintendents of the pageants. The tournaments were succeeded by a series of entertainments, in which the females occupied a conspicuous position, as the centre of conversations, and the interchangings of compliments and courtesies. Milton describes this in the following lines.

> "While throngs of knights and barons bold
> In weeds of peace high triumphs hold,
> With stores of ladies whose bright eyes
> Rain influence, and judge the prize
> Of wit or arms, while both contend
> To win her grace when all commend."*

Viewing the form of chivalry as a political instrument, and a direct incentive to political literature, we must take into consideration its refining and civilizing character. To those who look upon politics as simply a branch of ethical philosophy, then chivalry, as enforcing a strict observance of all the public and private virtues, imparting health and strength to the body politic, must be considered as an efficient and active organ of human improvement. Those theoretical writers who adopt Plato's idea of government as depending chiefly on the due cultivation of the moral faculties of man, in all their varied phases, are constrained to allow a positive value to chivalry, in stimulating political inquiries and speculations; and of leading and directing the minds of public men to the recognition of many important truths connected with the science of government. Though not in abstract

* See Gibbons' Decline and Fall, vol. 6, pp. 27, 28.

form, chivalry was nevertheless, in practical application the same as political Platonism. Both were modes of educating and fitting men for public life and duty; both founded political science on morality, and both considered that the good of the commonwealth was promoted by the general cultivation and extension of all those sentiments, opinions, and principles, which are calculated to soothe and harmonize the naturally conflicting ebulitions of social life.

Independent, however, of the mere outward influence of the rules of chivalry, on the civil institutions of Europe, no inconsiderable praise is due to them from the direct and powerful stimulus they gave to the poetic and imaginative powers of the European mind. They were the great and efficient cause of inspiring a taste in every country, for poems and metrical romances, animated by public spirit, and founded on the broad and universal sympathies and feelings of mankind. The number of writers of such productions who flourished during, or immediately following the foundation of chivalry, is very considerable. A collection of Spanish poetry, called the Cancioners General, contains the productions of one hundred and thirty-nine poets, before the commencement of the fifteenth century;* and in Italy, Flanders, and Germany, we find a proportional number of the same class of literary effusions. It is not assuming too much to affirm, that the general effect of such light and imaginative productions, would be more or less that of a political one; inasmuch as all such productions must have touched upon the leading events of the times and have chimed in with the current of political feeling, in

* Hallam, Bouterwek.

whatever direction it was then running. The general frame-work of these poetical pieces was composed of good materials, and made appeals to the high and honourable feelings of human nature; and apart from direct allusions to public matters, their ordinary tendency would be, to elevate and nourish those internal sympathies, from which public opinion takes its rise, and which are in unison with the welfare and best interests of the community. The heroes and knights who figure so conspicuously in the early productions of the romancers and poets, were continually engaged in redressing political and social grievances, inveighing with bitterness against tyrrany and oppression, and in devoting their lives and fortunes to the supposed interests of the community at large. All such sentiments, conveyed though they were in hyperbolical and extravagant language, had, nevertheless, a direct tendency to fix in the public mind, the grand outlines or boundaries of civil right and freedom.

CHAPTER XVII.

ON THE PROGRESS OF POLITICAL LITERATURE CONNECTED WITH THE CIVIL AND STATE AUTHORITY OF THE PAPACY, FROM THE CLOSE OF THE TENTH CENTURY, TO THE YEAR 1400.

OPINIONS on the temporal power of the church, and the rights of private judgment, after the year 1000, of which we have already spoken, assumed a more decided form in the period of history now under consideration. We shall endeavour to present the reader with a brief sketch of both these branches of political speculation, so that we may be suitably prepared to enter into future discussions on the subject in subsequent parts of this work, when we come to notice the productions of more recent political writers.

Pope Nicholas II. is cited by Gratian as declaring, "That the Church of Rome instituted all patriarchal supremacies, all metropolitan primacies, all episcopal sees, all ecclesiastical orders, and dignities whatsoever."

Hildebrand, or Gregory VII. was appointed to the Pontificate in 1370, and soon after took upon him to depose Henry IV. The following are the terms he employs. "For the dignity and defence of God's Holy Church, in the name of Almighty God, the Father, Son, and Holy Ghost, I depose your imperial and royal

administration, King Henry, son of Henry, some time emperor, who too boldly and rashly both laid hands on the church: and I absolve all christians, subject to the empire, from that oath whereby they are wont to plight their faith unto true kings; for it is right that he should be deprived of dignity, who endeavours to diminish the majesty of the church."

"Go, therefore, most holy Princes of the Apostles, and what I have said, by interpreting your authority, confirm; that all men may now at length understand, if you can bind and loose in heaven, that you can also upon earth take away and give empires, kingdoms, and whatsoever mortals can have; for if you can judge things belonging to God, what may be considered concerning these inferior and profane things? And if it is your part to judge angels, who govern proud princes, what becometh it you to do toward their saints? Let kings now, and all secular princes, learn by this ruinous example, what you can do in heaven, and in what esteem you are with God; and let them thenceforth fear to slight the commands of the Holy Church; but put forth suddenly this judgment, that all men may understand, that rest casually, but by your means, this son of iniquity doth fall from his kingdom."*

The same doctrine was promulgated, a few years afterwards, by Urban II. He recommends, in his decrees, "that subjects are by no authority constrained to pay thé fidelity which they have sworn to a christian prince, to one who opposeth God and his saints, and violateth their precepts."

At the close of the eleventh century, Pope Paschal 2nd deprived Henry IV. of political power, and excited

* Concilia. Tom. 26. fol. Paris, 1644.

his enemies to persecute him, by urging that they could not "offer a more acceptable sacrifice to God, than by impugning him who endeavoured to take the kingdom from God's Church."

Innocent III. in 1312, says, "That the Pontifical authority so much exceeds the royal power, as the sun doth the moon." And he strengthens this opinion by quoting the words of the prophet Jeremiah; "See, I have set thee over the nations, and over the kingdoms, to root out, and to pull down, and to destroy, and to throw down," &c. The same doctrine was maintained at the fourth Council of Lateran, at which this Pontiff presided. It was then declared, "that if a temporal lord, being required and admonished by the church, should neglect to purge his territory from heretical filth, he should, by the metropolitan, and other comprovincial bishops, be bound in the bands of excommunication; and if he should neglect to make satisfaction within a year, it should be signified to the Pope, that he might from that time, pronounce his subjects absolved from their allegiance to him, and expose the territory to be seized on by Catholics."*

In the year 1239, Pope Gregory IX. excommunicated the emperor Frederick II., and absolved his subjects from their oaths of allegiance, laid an inderdict on all his cities, castles, and villages; excommunicated all who favoured him in any way or degree, commanded the German bishops, upon pain of excommunication, solemnly to publish the bull, with all the usual ceremonies, as ringing of bells, lighting and extinguishing candles, &c.

Innocent IV., in 1242, promulgates the same opin-

* Council: Late.: Paris, 1671.

ions on the supremacy of the church. He declared Frederick II. to be his vassal, and pronounced, in the General Council of Lyons, sentence of deprivation against him in the following terms: "We having had before us a careful deliberation with our brethren and the holy council, respecting the foregoing, and many others, his wicked miscarriages; and seeing that we, although unworthy, do hold the place of Jesus Christ on earth, and that it was said unto us in the person of St. Peter the apostle, 'whatsoever thou shalt bind on earth, shall be bound in heaven', the said prince, (who has rendered himself unworthy of empire and kingdoms, and of all honour and dignity, and who for his iniquities is cast away from God, that he should not reign or command, being bound by his sins and cast away, and deprived by the Lord of all honour and dignity,) we do show, denounce, and accordingly, by sentence, deprive: absolving all who are held bound by oath of allegiance from such oath for ever; by apostolic authority firmly prohibiting, that no man, henceforth, do obey or regard him as emperor or king; and decreeing, that whoever hereafter yields advice, or aid, or favour, to him, as emperor or king, shall immediately lie under the ban of excommunication."*

Pope Boniface VIII. at the close of the thirteenth century, had a decree in the Canon law to this effect. "We declare, say, define, pronounce it to be necessary to salvation, for every human creature to be subject to the Roman Pontiff!! This submission is of the most absolute and universal character, and extends to all affairs. "One sword must be under another, and the temporal power must be subject to the spiritual author-

* Council: Paris, 1671.

ity; whence, if the earthly power go astray, it must be judged by the spiritual."

The bull of Clement VI., however, issued against one of his rebellious princes, (1338,) surpasses all others in point of fierce and menacing language. The Pope calls upon Heaven, "to strike him with madness and crush him with thunder; invoking St. Peter and St. Paul to visit him with their wrath in this world and in the next; calling on the earth to open and swallow him up; and praying that his children may be destroyed before his face by his enemies."

In proportion as the political power of the church became more concentrated and energetic, in the same ratio was the religious liberty of the subject curtailed and abridged. Domineering language towards Emperors and Kings, was followed by bigoted and intolerant sentiments towards private individuals. Ignorance, consequently, became the only absolute safeguard against the intellectual intolerance of the clerical body; so that the minds of the masses of the people became enveloped in the most profound and impenetrable darkness. But this mental torpidity did not seem to impart ideas of security and ease even to the church itself; for its activity appears always greatest, when there was the least apparently to oppose it; as if it expected some dangerous and sudden outbreak to follow a season of general apathy and unconcern. However insignificant the measure of intellectual exertion or curiosity among the people was, it never suspended the solicitude and jealousy of the Roman hierarchy. Whatever touched this absorbing and growing power, even in its remotest ramifications, excited vigilant anxiety, and called forth speedy and prompt repression.

But even in periods when speculative innovations were least common, and orthodoxy was every way triumphant, we find occasionally the still small voice of religious tolerance and freedom making itself heard, even within the precints of the church itself. In a *Commentary on the books of Scripture*, by an Abbot, called Rupertus Tuitinsis, who died in 1136, we find persecution held forth as a mark of Antichrist. "Versus," says the Abbot, "Deus non coacta sed spontanea servitia vult. Ergo et in hoc, imo maxime in hoc, palam faciet sensum habentibus et ratione pollentibus, quod vere sit Antichristus, quod vere non Christus, sed secundum nomen suum Christo sit contrarius: hic est Christus qui sanguinem suum fudit, hic est Antichristus qui sanguinem fudit alienum." Elsewhere, he says, "Hoc est signum in quo cognoscant hi qui ex Deo sunt, ex maligno esse malignum illum, quia occidit, sicut jam dictum, et in captivitatem ducit, quod non facit, nec fecit omnis qui ex Deo est." "It is charitable," says our able historian, "and consistent with reason, to believe that these liberal sentiments were not confined to the person who has recorded them; that similar observations would have been found in the production of the dark ages which have been lost; and that they were held and inculcated by many, who, in a period little favourable to intellectual exertion, had no inclination, or no ability, openly to profess and to defend them." *

In a very few years after this, we find the famous third Council of Lateran fulminating its decrees against the unfortunate Albigenses, and in the twenty seventh Canon, consigning them to "a curse, both

*Cooks view of Christianity, vol. 3, p. 407.

themselves, their protectors, or harbourers, and all persons who admit them into their houses or lands," and that "their houses and goods shall be confiscated, and themselves reduced to slavery by their princes." * * "Further, we take off two years' penance from such of the faithful as shall, by the Council of their Bishops, take up arms against them, for the purpose of subduing them."

The fourth Council of Lateran, held by Innocent III. in 1213, breathes the same spirit of cruelty and oppression. This council met at Rome, and consisted of four hundred and twelve Bishops, about eight hundred Abbots and Friars, and a great many deputies of the absent prelates and their chapters. In addition to these the ambassadors of the Christian princes were present. The third Canon of this council denounces all heretics with even more bitterness and precision than even the twenty seventh Canon of the third council. It goes to the extent of compelling temporal powers to extirpate all heretics, designated such by the Church of Rome, from their respective countries, under pain of excommunication. Should any one persist for one year, in refusing to fulfil their obligations, the Pope may declare the vassals of such earthly potentate, absolved from their allegiance, and bestow the lands of such vassal, on the faithful of the church. And the last provision enacts that such persons shall incur the penalty of excommunication, that shall afford sustenance, protection, or an asylum, to those lying under any ecclesiastical anathema. *

We are not, however, to suppose that these outrageous pretensions of Rome, met with any thing like

* Council, Late, Paris, 1671.

a general support or approval, either from princes or people. The former in almost every country in Europe rebelled against such lofty ecclesiastical prerogatives; and were fully prepared for efficient opposition, should they ever be forced into practical operation. Philip the Fair, of France, ordered the Papal Bull to be publicly burnt; forbid his bishops from attending the Pope's summons; assembled the States General; and induced them to pass a resolution, that the French crown was independant, and that his holiness had no right whatever to interfere with its constitutional prerogatives. Philip even made war upon the Pope, took him prisoner, and pillaged and despoiled his effects. In Germany the same feeling prevailed against clerical supremacy. The diet of Frankfort, (1338,) declared that the imperial crown had no superior under heaven, and that whoever should maintain the necessity of papal confirmation to an Emperor, duly chosen by a majority of the electors, should be guilty of high treason. The contests with the papal power in England, before the era of the Reformation, are well known. The constitutions of Clarendon, to define and secure the powers and jurisdiction of the civil courts of law; the statute of provisors, which constituted it a penal offence to obtain spiritual presentations from Rome; and the statute of Præmunire, which awarded punishment to all persons who brought over bulls of translation from the Holy see; all testify the strong feeling against the doctrines of papal supremacy and authority, entertained in our own country.

There was gradually formed out of the general mass of canonical rules, Pontifical Bulls, and other writings

of a similar and detached character, relative to the papal power, a distinct and systematic species of political literature, which at the time when it appeared, and as long as that power was in full vigour, proved of high standing in the estimation of the learned. Publications of this class undertook to give the philosophy of the Pope's power and supremacy, by urging the many and solid reasons for its origin, and for its peculiar bearings and advantages on the legislation and public institutions of the age. Such treatises were both erudite and voluminous; and though limited to a narrow range of inquiry and observation, yet they proved highly useful in consolidating men's thoughts and speculations on the nature of political and civil power generally; and by introducing, into written discussions those scientific methods and logical arrangements, so valuable in works of an abstract nature. Considering the long period such publications were in constant use, and held in high repute, they must have proved singularly advantageous in guiding public opinion, and keeping it within some recognized rules and principles, which, although often very unsound and imperfect, yet carried with them such a degree of plausibility, as to make them pass current for more healthy and rational views and doctrines.

Several most important and distinguished works of this kind, made their appearance in the fourteenth century. The one called the *Summa Raymundiana*, was considered of great value. It treated of the general principles of ecclesiastical government, and there are many rules relative to the civil polity of States, which enlightened governments of the present day, would find interesting and valuable. Astesanus

was a writer of note. His *Summa Astesana*, is an erudite performance, and its arrangements and decisions show great judgment. The *Summa Bartholina*, of Bartholomæus Concordia, a Dominican monk, stood high among the cultivators of casuistry and ecclesiastical jurisprudence at this period of history.

And it may be observed, that independent of the direct writing of the Popes on political subjects, they encouraged as much as they could the study of the Roman and Canon laws, with a view of strengthening their civil authority and power, and of showing that, even upon abstract grounds of reasoning, their influence over the temporal kingdoms of the world, should be paramount and universally acquiesced in. And it so happened at the very period when clerical claims were so unscrupulously put forth, that the study of the Roman law received a new and vigorous impetus. According to a statement, which has descended through the ordinary historical channels for centuries, but the truth of which has in recent days been called in question, the famous *Pandects* of Justinian, had been lost for some hundreds of years, but were accidentally found in the ruins of the city of Amalphi, in Italy, when that place was taken by Lotharius II., in 1137. Whatever truth there may be in this story, certain it is that the study of the Roman code was vigorously prosecuted about this period, throughout the whole of Italy, and even in other countries of Europe. It has been stated, by writers of credit, that at the University of Bologna alone, there were not less at one period than *sixteen thousand* students of law, assembled from all parts of the civilized world. Professor's chairs were founded in nearly all European seats of learning,

for the express purpose of developing the principles of Roman legislation, law, and equity.

Simultaneously with this renewed study of the Roman code, the Papal authorities enjoined the careful cultivation of the Canon law. This, they readily perceived, would prove a mighty engine in their hands for bewildering the minds of men, and drawing them aside from the consideration of these questions more immediately connected with the origin and design of all legislative establishments. The church, therefore, bent its whole energies towards this quarter. To ingraft the laws of the church upon the laws of pure reason, was looked upon as the highest attainment of the human intellect, and an infallible guarantee for the peace and happiness of mankind. Honours and emoluments were lavished upon the canonical doctors with no niggardly or sparing hand. The Canon law obtained such celebrity that it was declared by the whole Roman hierarchy, that a Doctor of the Canon law was to be preferred to a Doctor of Divinity, in all such dioceses that did not contain a majority of heretics.

In joining the two studies together, care was taken by all public teachers, to fix upon those general principles of law and theology, which are either so ambiguous in their own nature, or so susceptible of double interpretations, that inferences drawn from them might be of such a plastic character as to be applicable to all states and conditions of the body politic. This was the mode of legal and ecclesiastical instruction followed for ages, through the mediums of the Roman and Canon laws.

The Canon law is derived from a variety of sources. Many rules and laws appertaining to it, were obtained

from the Latin Church. Dionysius Exignus, an abbot, who flourished about the beginning of the sixth century, formed two different compilations; one of the Canons of the Church, another of the Decretals of the Bishop of Rome; and these two collections constituted the germ or nucleus of ecclesiastical legislation. Sometime after, these were followed by other rules collected and arranged by Fulgentius Ferrandus, and by Isidorus, of Seville, down to near the termination of the seventh century. The next writer was Isidorus Mercator, or Peccator, sometimes described as "impostor nequissimus." Burchardus, who was Bishop of Worms from 996 to 1025, formed a compilation of the Canon law, described as "Magnum Decretorum Volumen," which is divided into twenty books. A similar compilation was made by Ivo Carnotensis, Bishop of Chartres, from 1092 to 1115, called the *Decretum;* and he was likewise the author of another publication on the same subject called *Pannomia*, and sometimes *Pannormia*. Gratian followed Ivo, and his *Decretum* forms the chief part of the *Corpus Juris Canonici*. It was compiled in 1151. After Gratian comes the canonical collection entitled *Decretalium D. Gregorii Papæ 9th*. It was made under the direction and authority of this pontiff, who filled the chair of St. Peter from 1227 to 1241. This pope is extolled for the extent and profundity of his general knowledge of law and jurisprudence. The work is divided into five books, and each book into various chapters or sections. From the year 1294 to 1303, the pontifical chair was filled by Boniface VIII., who published a compilation of canons or rules, called *Liber Sextus Decretalium*, which, notwithstanding its title, is divided

into five books. The next in the order of time, is that entitled *Constitutiones Clementis Papæ V., in concilio Vienensi editæ.* In addition to this collection, there were published after the death of Clement, another batch of rules called *Clementenæ*, promulgated in the year 1317. After these come the *Extravagantes Johannis 22nd*, which were so denominated because they wandered beyond the limits of the canonical works already enumerated. This ends the historical account of the divers materials which composed the Canon law up to the year 1400.

Of the nature of the Roman law generally, we have already spoken. In addition, however, to its own body of principles and maxims, there were published a vast number of commentaries, epitomes, abstracts, introductions, abridgements, summaries, and such like minor treatises, chiefly in connection with public lectures and instruction on the subject. Some of these comments, and explanatory works entered more fully into the nature of politics as a science, than the Justinian code itself did; and thus it happened, that general knowledge on civil affairs was rapidly extended in every direction; and a more steady and concentrated attention was imparted to the public mind on matters of great moment in the art of government, and legislation, and appertaining to the rights and privileges of people generally. And even in the endeavours to amalgamate the Roman jurisprudence with christian precepts, a peculiar complexion was given to legal and canonical philosophy, and it was brought more into harmony with the practical science of civil liberty and right. There are, therefore, very few of the great legal authorities before the commencement of the

fifteenth century, whose writings do not contain more or less of matter relevent to politics as a science, and which may not be read with some advantage by all those engaged in its thorough investigation.

Among works of this kind we may mention those of Constantius Harmenopulus, who laid down the state rules or reasons for the punishment of heretics in his treatise *De Sectis Hæreticorum;* and the same topic is handled in a more detailed and fragmentary manner by Euthymius Zigabenus. Johannes Cantacuzenus enters systematically into the erroneous principles of the Mahometan law. The Canon law of the Greeks is scientifically expounded by Mathœus Blastares; and the writings of John of Paris abound with sound remarks and discussions on some of the leading principles of justice, and state policy. The same observation applies to most of the polemical and historical writers of the twelfth, thirteenth, and fourteenth centuries.

The *Dictatus Hildebrandini*, or the Dictates of Hildebrand, are twenty-seven apothegms, or short sentences, relating to the authority of the Popes, not only over the church, but over the nations of the world. These sentences will be found in the second book of the Epistle of Gregory VII., between the fifty-fifth and the fifty-sixth Epistles. There has been considerable discussion on the authenticity of these sentences; but the preponderance of evidence is decidedly in favour of their genuineness.

The most able and philosophical work, however, which appeared a short time after the period of history embraced by this chapter, on the abstract nature of the Papal power, was that of Antoninus, Archbishop of Florence. His remarks on the subject

are too long to be given at full length, but we shall endeavour to give the substance of his statements, as fully and fairly as we can. This author says, that the power of jurisdiction implies the power of declaring by way of statute, or of deciding questions. In things of natural or divine right, the authority of the Pope does not extend in deciding on them; but if there should any doubt arise concerning such things, the power of the decision belongs to his Holiness. Hence it is unlawful to hold or to think contrary to the Pope. All ecclesiastical power is subject to the Pope in three things; 1st, as to connection of abuses; 2nd, as to the institution and conferring of inferior powers; and 3rd, as to the assisting subsidy, *(subsidium adminiculaticum)* that is, what is requisite to aid it, if it stand in need of aid.

First.—To the Pope belongs the privilege of ordaining those things which are conducive to the public good, and of removing those things which defeat this solitary end; as vices and abuses of every kind, which alienate man from God. The Pontiff, by virtue of his position, is president of all such courts of inquiry and judgment. To scatter or disperse the vicious, and build up and strengthen the righteous, is a duty inseparable from any correct ideas of his office. No ecclesiastical prelate is above kingdoms, and principalities, except the Pope of Rome.

Secondly.—All power inferior to the Pope is subject to him, as regards its institutions, and jurisdiction; and the power of conferring and removing at pleasure. Whenever in any council, statutes are enacted, the whole authority of giving them effect rests in the person of the Pontiff. This is according to the Canon

law, which declares that "it pertains to the Pope to institute and confer all ecclesiastical powers inferior to himself."

Thirdly.—All inferior powers, even secular, ought, and are bound, to aid the Pontiff in everything which contributes to the good and efficient government of the church. The republic is bound to preserve and strengthen that power on which the good of the commonwealth rests. The prosperity of a christian community relies especially upon the power of him, whose office it is to regulate the whole religious institutions of the country, and to appoint and fix the ranks and orders in them. If secular persons should propose anything inimical to this papal power, secular princes themselves ought immediately to see it their duty to pacify and appease such subjects, and to subdue and vanquish those who are rebels to the Spiritual Court of Rome.

With regard to the temporal and spiritual jurisdiction, which is in the church, it is to be observed that the power is threefold and varied. The first is immediate, namely, from God. The second is derivative, namely, from God, through the Pope; and this is the power of all inferior prelates. The third is given for ministering or subserviency; and this is the power of the Emperor and the terrestrial Princes. The temporal influence of Emperors, Kings, and Princes, is given by the Most High for ministering, through the mediation of the Pope and other prelates of the church, in whom resides the spiritual. The authority of the Pope is greater than all created power beside that of Christ, in some manner extending itself to celestial, terrestrial, and infernal things; so that what is said

in the eighth Psalm concerning Christ may be said of the Pope, "Thou hast put all things under his feet sheep and all oxen, and beasts of the field, the fowls of heaven, and the fishes of the sea."

Pagans are subject to the Pope, who presides in the world in the place of Christ. But Christ hath full power over every creature. The Pope is the Vicar of Christ, and no one can lawfully withdraw himself from his obedience, as no one can withdraw himself from submission to God. And as Christ has received from the Father the government and sceptre of the Church of Israel, so he hath granted to Peter and his successors the most plenary power. And although Pagans cannot be bound or loosed by excommunication, or absolution in confession, yet by the authority of the keys they can be bound by the church, and when judged, they may be condemned; and thus, if they would awake from their state and return to the faith, they might be absolved by the same authority. In like manner, although they cannot be said to be of the church by the merit of faith and good works, yet they can be said to belong to the church by judiciary power, and occasional utility; but the Pope cannot take away the dominion and jurisdiction from the Pagans, which they justly possess.

The gifts of nature are not to be taken from infidels, nor even from demons. The power, therefore, of government, as it is a gift of Providence bestowed on every human creature, cannot be taken away from infidels by the Pope or any christian kings. But it is not inconsistent with this, that the church persecutes Saracens because they resist ecclesiastical laws, and occupy the lands of christians. The Pope can punish

Pagans and barbarous people, when they act contrary to the law of nations in manifest things.

The church can punish, indirectly, Jews, with spiritual punishment, by excommunicating christian princes, to whom the Jews are subject, if they neglect to inflict upon them temporal punishments, when they do any thing against christians. But neither the Pope, nor any other, should compel the Jews to receive faith, when it belongs to God alone to infuse it. Nevertheless, if the conversion of some be desired, they may be compelled, by terrors and stripes, not indeed to revive faith, but that they should present no obstacle to faith by an obstinate will; for in the conversion of infidels, the judgment of the deity ought to be imitated.

To the question; are all tyrants resisting the Pope schismatics? It is answered, there are three kinds of seperatists to be distinguished: first, some are schismatics by intention, and not by operation. Secondly, others are so by operation, and not by intention; for of themselves they do not intend to divide from the unity of the church. Thirdly, some are so designated by intention and operation; and the church corrects and subdues these, and persecutes them until they return, by repentance, or break out openly in their wickedness. Hence, both divine and human laws ordain, that those divided from the unity of the church, and wicked disturbers of its peace, may be subdued by the secular power.

Of the power of the Pope over christians, and especially over emperors, it may be observed, that, in the first place, it may be proper to speak of the power of the Pope, both with regard to the emperor, and the empire. The Pope can choose or elect the emperor,

who is the minister of the pontiff; in this, that he is the minister of God, whose place he fills: for God hath deputed the emperor as his minister; since he hath power to regulate all in the church to secure peace, and can direct and destine them to accomplish a spiritual end; for just and reasonable cause, he can also of himself choose an emperor; namely, on account of the negligence or discord of electors, or for the peace and benefit of christian people, or for the goodness and fitness of the person elected, or to restrain the boldness and power of heretics, pagans, and schismatics. The Pope ought to be the prop of truth, justice, and equity. He can do nothing against the truth, but for the truth. It is correct that the emperor receives the sword from God, in a way in which the Pope does not receive it, except as he is the vicar of God. For his holiness cannot choose an emperor as a private person, but as the successor and vicar of Christ.

The Pope can provide for a new emperor by hereditary succession, when he sees that the peace of christian people can be better provided for by the hereditary succession of the empire than by an election; for he hath ordained this, that it might be so, when it is a matter of positive right, in which the Pope hath the plenitude of power. And the reason of all this is, that the church stands in need of the emperor, as advocate and defender for the pacific state of the present life. Considering the acts and condition of men, it seems more suitable for the church, on account of the tranquil state of the faithful, to regulate the imperial dominion by hereditary succession than by election, for these reasons: 1st, the emperor elect ought to be confirmed by the Pope; 2nd, when confirmed he ought to be

consecrated; and 3rd, the pontiff can, for sufficient reason, excommunicate the emperor, and depose and deprive him of the empire.

The power of the Pope over the kings and princes of christian people, is the same in its nature and offices as that of the Jewish high priest, whom all Jews, of every condition, were bound to obey. So all christians, high and low, are required to obey the Pope, who holds the place of Jesus Christ; and disobedience to him is punished as it was by the high priest.*

At the commencement of the thirteenth century, a civil and political form was given to the doctrines and opinions of intolerance, by the establishment of the famous Inquisition, which, in after times, constituted so formidable an instrument for the repression of liberty of thought and action, in some sections of the European Continent. The common account of the origin and progress of this institution, is the following: In the year 1203, Pope Innocent III. appointed two monks, of the Cistercian order, to preach against the Albigenses. He considered them as apostolic legates, and gave them full powers to prosecute all heretics, of every denomination. They were invested with authority to

* Antonini. Summa Theolog.: tone 3, folio: Rome, 1485.

*** Treatises for and against the Ecclesiastical authority of the Popes.

Guil Barclaii, de Potestate Papa, 1710,—P. de Marca, Paris, 1704; Jaussen's Elinga, summa totius doctrinæ de Pontificis, 1690;—P. Molinei, du monarchia temporali Pontificis;—Fr. Richer, de l'Autorité du Clergé, 1766; —Boulduc, de Ecclesia ante legem;—Essai Contre l'abus du Pouvoir des Souverains, Amster, 1770;—Justini Freboni, de Statu Ecclesiæ et Legitima potastate Romani Pontificis, 1774;—Antifebrouius Vindicatus, seu Suprema Rom. Pontificis;—Tractatus Theologico-Politicus; Burigny, Traité de l'Autorité du Pape;—Traité de la Puissance Ecclesiostixue et Temperelle, 1707;—Nierenbergh Verschil, &c., 1691;—Pauli Voet, Juris Sacra;—Costa, Histoire de l'origine et du progrès des Revenus Eccles: 1684

destroy or establish whatever they conceived favourable to their chief design, in the Gaulic provinces of Aix, Arles, Narbonne, and other neighbouring districts. Philip II. of France, was called on to support the authority of the monks, but he took no part in the affair. Many of the feudal counts. of these countries, did not relish this crusade against the heretics, as the Albigenses, who fell under this denomination, were very numerous, in their respective territories, and the counts did not wish to entertain, from motives of interest, the idea of banishing them from these estates; particularly as it was alleged, that the heretics were *all peaceful and submissive subjects of the state.*

The Legates continued to preach and exhort among the dissentients, but without any signal success. Whilst these first movements for the establishment of the Inquisition were set on foot, Innocent III., died; and the duty fell upon his successor, Honorius III., to complete the undertaking. He appointed St. Dominic to form a religious order at Toulouse, which was done; and out of this religious institution, an order of laymen was established, whose duty or office was to assist the Inquisitors in their exercise of their functions. These laymen were called the *Militia of Christ.* The Pope having formed a regular constitution against religious dissentients, it received the sanction of the civil power, at the hands of the Emperor Frederic II., at his coronation. Notwithstanding, however, all these regularly constituted means, the scheme did not seem to prosper. A permanent and effective form was still wanted to the Inquisitional tribunal. In Italy, in 1224, the institution had been brought into a more

workable order, under the superintendance of the Dominican Friars.

To Gregory IX., who succeeded Honorius in the Pontifical chair, in 1227, the Inquisition owes its final establishment. He proved a zealous protector of St. Dominic; and by threats and entreaties, so effectively worked on the hopes and fears of the nobles, that many of the most influential of them resolved to aid the ecclesiastics to drive the heretics from their respective dominions. A council was held at Toulouse, and the decrees, as to liberty of thought, were of the same character as those adopted at the Councils of Lateran and Verona; with the exception that laymen were now for the first time prohibited from reading the Scriptures in the vernacular tongues. Gregory opened up a communication with Spain, where the Inquisition was introduced in 1232. It seemed to thrive here with great rankness; for from this period, till the end of the fourteenth century, several most distinguished persons suffered death from its ruthless and intolerant decrees.

As it is inconsistent with the general plan of this work, to view even such a singular institution as the Inquisition through the exclusive medium of religious sentiment and opinion; yet it is perfectly in good keeping with our method, to notice briefly some of the leading features of this ecclesiastical and political engine, which has inspired so much of both fear and indignation, in almost every civilized state in christendom. It must be remembered that the Inquisition was levelled against freedom of thought in politics as well as in religion; that it was a favourite and efficient instrument for centuries in repressing

the sentiments of mankind on government affairs; and that had not the tyranny which created and sustained it in active operation been overthrown, we should have had at this moment but a very scanty stock of materials for a history of political literature, to what we now possess. Had this vile scheme of intolerance and cruelty succeeded, agreeably to the wishes and intentions of its promoters, the pens, as well as the tongues of politicians would have been forever most effectually silenced and repressed.

The rules and modes of proceeding of this iniquitous tribunal, were in striking keeping with its professed end and intention. The Pope was at the head of the establishment, which, at Rome, was called the *Holy Office.* He appointed all the Cardinals composing it. All the inquisitorial Courts in Italy, with the exception of Venice, depended upon that of Rome. The members of all the secondary tribunals were nominated by his Holiness, and were removable at pleasure. The Holy Office, at Rome, was composed of Cardinals and Counsellors;—the former were the judges, and the latter constituted the legal bar, and required to be regular priests, and professors of canon law. The number of subordinate officers was immense. Whatever crimes or offences they might commit, the secular power had no jurisdiction over them. In Spain, the same tribunal went under the denomination of the Supreme Council of the Inquisition; the members of which were nominated by the king, but subject to the approval of the Pope.

The Inquisition assumed the right of judging, 1st, heretics; 2nd, those suspected of heresy; 3rd, their relatives, acquaintances, protectors, and all who fa-

voured them in any way whatever; 4th, magicians, sorcerers, enchanters, and all who professed witchcraft; 5th, blasphemers; and, 6th, those accused of having resisted any of the officers of the Court. Every person was deemed a heretic who spoke, or taught, or wrote, or preached, any thing against the sacred writings, the creed, the articles of the church, or its traditions; but, above all things, the calling in question the universal sovereignty and unlimited power of the Popes, was considered one of the most mortal offences a citizen could commit. All crimes were punished with death, if the accused were not able to rebutt the charges brought against him; a thing that was almost rendered impossible, from the system of perfidy and deceit invariably adopted towards the accused.

When a victim was seized, probably when sitting with his own family, none of his domestics, nor relatives, dared take the slightest step in the way of his defence. When the inquisitorial fiat went forth, all was as still as the grave; not a tongue moved in his behalf. The Inquisitor took an inventory of his furniture, of his books, and papers; and the heretic was consigned to some dark and hedious dungeon, where the light of heaven never penetrated, and where no one was allowed to speak to or see him, under any pretence whatever. Here he might spend months and years, without knowing the crime of which he was accused, or the witnesses who had deposed against him. After languishing here an indefinite length of time, it was probably suggested to him, that he *might demand an audience.* When called up before his judges, the accused was coolly and mockingly asked *what he wanted,* or whether he had any thing to say to them.

If he were induced, through fear to plead guilty, he was branded with infamy; and this sentence rendered all his relations, for ever afterwards, incapable of holding any civil or ecclesiastical office whatever. Should he deny his guilt, he was remanded, forthwith, to confinement again, with the admonition, that they gave him time for again considering the subject, and for recalling every thing to his memory. After lingering out another period of misery, he was again called before the Court; and if he still persisted in denying his guilt, he was forced to take an oath on the crucifix and the gospels, that he would return true answers to all such questions as might be demanded of him. If he refused to take the oath, he was instantly condemned, without any further proceedings.

When a man was condemned to death, all his goods, moveable and immoveable, were confiscated. The maxims of the Inquisition were, that the property of a heretic belonged, by right, to its own officers, even to the prejudice of the children of the accused, or to other heirs of the catholic body. Even death did not exempt a suspected person from the judgment of the Court; for it might proceed against him after his decease, and cause him to be executed in effigy. It was a solid proof against a man, if he even expressed an heretical opinion in jest. Any expression of approval or admiration of a suspected person after his death, subjected the offending party to the deprivation of christian burial. The lay magistrates were to lend all their power and influence to the support of the Inquisition, under pain of excommunication. A magistrate who neglected to perform this duty, if he delayed procuring absolution, was liable to be condemned as a

heretic. It was a general maxim, constantly insisted on by all the supporters of this tribunal over opinion, that it was better that a hundred pious and innocent persons should suffer, than that one heretic should escape. The reason assigned was, that by putting the innocent to death, was only transferring them to a heavenly kingdom; whereas, if a heretic escaped, he might infect multitudes with the poison of his doctrines.

The *Auto da Fe* was the crowning glory of the Inquisition. It consisted in the public burning of such heretics as the Court sentenced to death. An execution of this kind excited great interest among the mass of the people, and was the signal for general joy and festivity. We shall give the outlines of an exhibition of this kind, which took place at Madrid, about sixty years after the Inquisition was established.

A stage of fifty feet in length was erected in the grand square of the city. There was a balcony intended for the reception of the king and his Court. At the extremity of the balcony there was an amphitheatre of the Council of the Inquisition; and opposite to this was a similar construction for the victims destined to perish in this human sacrifice. The places for their most Catholic Majesties were so arranged, that the queen sat on the right-hand side of the king, and on the left of the queen-mother. The ladies of the Court occupied the rest of the balcony. There were places for the Ambassadors, and the public generally. The procession commenced as follows. A hundred coal-merchants, arrived with picks and muskets, and marched in front, because they furnished the wood for the stake; next followed the Dominican friars,

preceded by a white cross. The standard of the Inquisition was carried by a noble family, who claimed the honour as an hereditary privilege. This standard was of scarlet damask; on one side was embroidered a naked sword in a crown of laurel; on the other, the arms of Spain. A green cross followed next, bound with crape. Certain grandees of Spain, familiars of the Inquisition, marched after it, dressed in cloaks, ornamented with black and white crosses, edged with gold lace. The procession was closed by a body of halberdiers, or guards of the Court, clothed in black and white robes, and headed by the hereditary protector of the Inquisition.

When the cortege arrived at the appointed rendesvous, the coal-merchants arranged themselves upon the right hand of the king's balcony, the left being occupied by his guards. Thirty men followed, carrying pasteboard figures, of full length dimensions, of such persons as had died in prison, or under the torture, whose bones where borne in coffins, upon which flames were painted; the others represented those who, having escaped from the hands of the Inquisitors, had been condemned for contumacy. These figures were placed at one extremity of the amphitheatre.

After a number of other ceremonies, the miserable victims marched beneath the balcony of the king; and, having made the circuit of the stage, they were placed upon the amphitheatre on the left side; each of them between familiars and monks who accompanied them. Such as were condemned to death, were surrounded by a number of monks, who exhorted them to repentance as they proceeded. Mass then commenced. The Grand Inquisitor, with his cope and mitre, saluted the

altar, and ascended the steps of the amphitheatre, accompanied by the officers of the Inquisition, who bore in their hands the cross, the gospels, and a book containing the oath by which the Kings of Spain were bound to maintain the catholic faith. The king stood bareheaded, having by his side a grandee, bearing the royal sword. The sentences of the heretics were now read. The first related to those who had died in prison, or who had been condemned for contumacy; their effigies were carried to the lower stage, and placed in cages in which they were to be committed to the flames. The sentences of the rest were then read aloud, one by one, and they were then placed in cages, in order that they might be distinctly seen by all the assembled spectators. Mass having been said, the Grand Inquisitor, dressed in his pontifical robes, granted a solemn absolution to all those who repented. The king having returned, the criminals condemned to the flames were delivered over to the secular authorities, who carried them upon asses to the distance of three hundred paces, and there put an end to their sufferings. The obstinate were burned alive; the repentant were strangled before they were cast into the fire. Those sentenced to the lash were conducted, on the following day, through all the principal streets of the city upon asses, and severely whipped as they proceeded along.

Besides these general executions of the Inquisition, there were particular ones which took place every year at the end of Lent; upon the Friday preceding Good Friday. The same ceremonies took place on these occasions, with the exception of the presence of the

king, who did not attend personally, but only by the chief officers of his household.

Such was the famous Inquisition, one of the most singular and tyrannical instruments that ever exercised power over the human mind. It was truly terrific in every country where it was established. The fear that it inspired, in all classes of the people, was the great element of its power; and this fear was greatly augmented by the invisible modes of its attacks, and the secrecy attending all its movements. Its judgments fell upon its victims like a thunderbolt. Every man lived in dread; and to try and escape from it, was, in the last degree, hopeless. The dearest interests of mankind were recklessly violated. Fathers delivered over their children, husbands their wives, and masters their servants, without the slightest idea that resistance was either possible or justifiable. All generous thoughts or mutual confidence were stifled among the mass of the people; all discoveries prohibited or proscribed; and the axe raised up against the secret thoughts of the human mind. Even kings and princes quailled before the secret imprisonments, and blazing fires, of this notable tribunal.*

And, it may very pertinently be asked, were there any writers or authors who could defend or justify the proceedings of such a tribunal as the Inquisition? O, yes; there were numerous ecclesiastical and political scribes of the day, who took up their pens in defence of it, long before the art of printing was known. In the theological seminaries and public libraries of Spain, and even in Italy, there are hundreds of treatises, in

* It is computed, by Catholic writers themselves, that full *half a million* of persons have, from first to last, fallen victims to the Inquisition.

manuscript, at this hour, in which the most elaborate abstract arguments are laid down in support of persecution generally, and for the use and public expediency of the terrors of the Inquisition in particular. The very existence of such works shows the deep-felt consciousness of the Roman hierarchy, even in those early times, of the violence they were offering to the innate dictates of justice and humanity; and how difficult a task it was to sustain the credit of an institution, which outraged all the common sentiments and sympathies of mankind. The doctrines developed in these writings, contributed for centuries, the every-day text books for colleges and universities; they were illustrated and enforced with all the fascination that learning, eloquence, and ingenious sophistry could impart; and were, in fact, considered as the fundamental principles of all sound political and ecclesiastical philosophy. Their inculcation formed the most important and vital branch of public instruction; and so systematically exclusive was all the public tuition of the day, that these notions of arbitrary power over opinion, effectually closed up every avenue of the human intellect, by which really useful and enlightened views of social progress and improvement could enter.

CHAPTER XVIII.

ON TRADE AND COMMERCE, AS THEY INFLUENCED THE OPINIONS OF POLITICAL WRITERS, FROM THE EARLIEST PERIOD TILL THE YEAR 1400.

It is not our intention to enter here into any formal history of commercial or trading enterprises; these have been very amply discussed by distinguished writers, in almost every country in Europe. We purpose only very briefly alluding to such general laws, declarations, and manifestoes of trading communities, as are interesting to the historian of political sentiment, and public opinion to know.

The various codes of commercial laws and rules, often led to great alterations in the civil and political institutions of countries; and when they happened to be wise and just in themselves, they often roused into activity much of that liberality of opinion, and mutual good-will, among different nations, which operated favourably for the extension of real liberty and prosperity. We find, as we proceed from the most early times, to the period mentioned at the head of this chapter, that, in these ages famed for active commercial speculations, we recognize a corresponding extension of a spirit of national independence, and well

regulated liberty; as well as a more willing disposition in rulers to yield civil privileges of great importance to the popular feeling of the day.

There are but few documents which throw much light on the true state of trade, commerce, and manufactures, or on those general principles which go under the denomination of commercial legislation, up to the end of the fourteenth century. The chief guide we have in our reasonings and conclusions on the subject, is rational inference and deduction.

We are apt to imagine, when perusing the ordinary histories of these two thousand years, and dwelling upon the constant wars and feuds among the several nations of the world, that all semblance of trade, commerce, and handicraft work, must have been banished from the earth; and the whole of society reduced to herds of barbarians and houseless wanderers. But this is frequently an exaggerated, and a positively erroneous notion. The very existence of extensive armies presupposes, and cannot exist without, a considerable advanced state of the arts of life. These vast herds of men must be equipped and supported; the most part of their number must have cities and homes to which they belong; and for their daily sustenance, the land must be made to yield her fruits in ordinary abundance. All this must, in all countries, rest upon a pretty broad basis of the arts and occupations of peace.

We find scattered remarks in ancient histories, that the early cities famous for their trade, and commercial skill and enterprise, were likewise noted for their love of civil liberty; and those occasional tumults which are also mentioned in such localities, were generally the result of the somewhat ill-regulated enjoyment of

this great political blessing and inheritance. The inhabitants of Tyre, Sidon, Carthage, Phœnicia, Egypt, and most other cities alluded to in our common histories of the ancient world, generally enjoyed a much larger share of personal independence and power, than fell to the lot of the other portions of their respective countrymen, who inhabited the smaller provincial towns and agricultural villages. This circumstance constitutes a particular and conspicuous feature in many of the writings of the early politicians of Greece, and even of Rome itself, who enumerate not a few of these municipal and civil privileges, as tokens of the progress an entire nation had made in constitutional freedom, and national civilization and intelligence.

We likewise find many striking exemplifications of this connexion between the commercial spirit and civil freedom, in the history of Europe, from the christian era to the termination of the fourteenth century. The first indications of the revival of social liberty in the Italian States, was coeval with the foundation of its commercial cities, and the augmentation of its trading speculations. When the pressure of the barbarian conquests had in some measure abated, the merchants of these states opened up a commerce with the ports of the Greek empire; and the connections thus established paved the way to similar undertakings in the Northern and Western countries of Europe. The Venetian Republic, commanding the Adriatic on the one hand, and important and extensive ranges of the European continent on the other, became admirably skilled in commercial affairs; and at the end of the ninth century was, in fact, the mistress of the entire trade of the then civilized world. She was afterwards

followed by Amalfi, Pisa, Genoa, Florence, and other cities; the internal histories of which abound with rich and varied materials for the literary and speculative politician.

In all these great commercial emporiums, we find the spirit of political party and rivalship running high. The continual struggles for national superiority and power, and for individual liberty and independence, present lessons full of interest to the political philosopher; and, at the same time, display the powerful and humanizing influence of trading communications over the barbaric element of mere savage and military power. On this point, an able moden author makes the following pertinent remarks. "It is remarkable," says he, "that republican liberty, though at length carried to an extreme in the northern parts of the Italian peninsula, was primarily established in its southern region, from which it appears to have been transmitted by the communications of commerce. The southern countries, favoured by their ambiguous situation on the frontier of the two empires of the east and west, and by the commercial advantages of this position, were enabled to present instances of republican government, while those of the north were yet comprehended under the Italian kingdom and the dominion of the emperor; but, on the contrary, they sunk under the ascendancy of the new kingdom of Naples, just about the same time in which the emperial authority was ruined in the northern provinces, and these became divided into a multitude of free communities. Southern Italy, accordingly, displayed the example of liberty which was imitated in the north; northern Italy, however, the field of contention for the Pontiff

and the German Monarchs, was that in which the most strenuous and successful efforts of independence might be exerted. The latter region also was the part of the peninsula, in which the principles of transmitted improvement had been best protected, and could, therefore, be best developed by the fostering influence of freedom, as it was likewise that, from which its fruits could be most directly communicated to the western countries of Europe."*

The *Hanseatic*, and the *Rhenish Leagues*, formed very important establishments in the early history of commerce. The greater part of the principal towns in Germany, were gradually emancipated from the authority of the baronial Lords and Bishops, to whom they owed allegiance. Those cities which had obtained commercial privileges often found themselves in opposition to some neighbouring Lord or Baron. From the frequency of wars, it often come to pass that a town was not in a situation to defend itself against the confederated influence of the nobles; and from this cause, it often was a matter of prudence and policy for two or more towns to unite their strength and resourses together for mutual defence and protection. This state of things formed the elements of the Hanseatic League. There was, however, another element which entered into the nature of this celebrated commercial confederacy. There were certain associations or corporate bodies formed by German merchants residing in foreign countries, called *Hanse* or *Housa*, and which associations after received the formal sanction of the sovereign of the country where they were founded. The most distinguished of these associations were those of Bruges,

* Dr. Miller, Hist. vol. 1, p. 142.

London, Bergen, in Norway, and Novogorod, in Russia. At their first formation, these communities of merchants had no connection with one another; but when different towns were united for mutual commerce and defence, then private associations were amalgamated with them.

The Hanseatic League was first established in 1210, by a treaty of amity and mutual assistance, between the cities of Lubeck and Hamburgh. In a short time other cities joined them, till the number amounted to *seventy*, all situated in the north of Germany, from the Rhine to the Vistula. Deputies and envoys from these cities meet at stated periods at Lubeck, for the transaction of such business as was connected with their mutual interests. The principal design of the League was to protect German trade in the interior of the country, and to maintain peace among all the confederated cities. The fleets of the league were respected by every European power, from Russia to France, and for the space of two centuries, the whole trade of the Baltic fell exclusively into the hands of the members of the league.

The Rhenish confederation was something analogous to the preceding. The cities on the two branches of the Rhine entered into a treaty, for the mutual protection of their trade, from the Baltic to the Wesel, which was often interrupted by the Barons and Lords, who had castles situated on the banks of this important stream. This league which was called the *Rhenish* League, lasted, till the termination of the fourteenth century.

There were many particular legislative measures affecting directly the general commerce of Great

Britain, which, in its middle age history, exercised a considerable influence over the spirit of political, and social speculation generally. Some of these we shall just briefly allude to.

The *Montmain* act was passed in 1279, "Whereby all persons were restrained from giving by will or *otherwise* their estates to those so called religious purposes, and to societies that never die, without a license from the crown."

King Edward, in 1280, grants a measure to the German merchants, to preserve all their liberties in the Guildhall, or *Steelyard*, in London, as it is now termed.

In 1283, a statute was passed for a more ready and effectual mode for foreign merchants recovering debts in England.

Letters of Marque first granted in 1295.

The commercial association called the *Merchant Adventures of England*, formed 1296.

King Edward the First, charter to foreign merchants granted in 1302, called *Charter Mercatoria.*

The absolute freedom granted to all foreign merchants to trade in Flanders, in 1305.

Commercial treaties between England and Holland made in 1338.

Sumptuary laws against luxury passed in England, in 1364, and also against extravagance in dress and in food.

The maritime laws and regulations of the Roman Empire, underwent a considerable change, after the establishment of many great commercial cities in the Italian States. The law of *Rhodes*, was of high reputation, and was formally declared, by the Emperor

Antoninus, to be the universal code of navigation. In this edict he says, "I, the master of the world; let every thing relative to naval affairs be determined by the maritime code of the Rhodians, as often as that shall not contradict our laws."*

The people of Amalfi introduced a code of maritime law before the termination of the tenth century. The laws of Oleron, promulgated by Richard the First of England, in 1194, on questionable authority however, had some influence in their day. The code framed by the merchants of Wisburgh, on the Baltic, was very generally received in the north of Europe. The trading community of Barcelona framed another code in the middle of the thirteenth century, which was adopted by the Venetians, under the designition of *Consolata del Mar*, and which was adopted by all the chief cities in the Italian States. The two hundred and seventy-third chapter of this code contains the following regulations, which modern politicians will readily recognise as embracing the leading principles of maritime law so keenly contested by Great Britain and the United States of America. First, an enemy's cargo, in the ship of an enemy, are both good prizes; second, a neutral cargo, in the ship of an enemy, is subject to ransom; third, an enemy's cargo, in a neutral ship, is a good prize, and ought to be delivered by the neutral vessel in some secure port, for the captor.

Bills of Exchange were known and used within the period of history of which we are now treating. There is a difference of opinion as to the precise date of the first appearance of these instruments of commercial negociation. Anderson, in his *History of Commerce*,

* Volusus Maximus de Lege Rhodiaca.

supposes they were used in the year 1189; while Macpherson* refers their first introduction to letters of credit addressed successively by Richard and John, kings of England, to merchants in Italy, to pay certain agents employed by them in that country. The second instance of the issue of such letters, bears date the year 1202. Again, it is stated that the first express mention of a Bill of Exchange occurs in the year 1255; and the use to which it was put was by the Roman Pontiff authorising the Italians, who had advanced money for the conquest of Sicily, to draw upon the English prelates, for such sums of money as had been advanced for this purpose by the merchants of Sienna and Florence.

It was in the middle of the fourteenth century, and in Italy, that the system of granting loans of money, both for public and private purposes, commenced;—a system which has subsequently acquired such direct influence over all modern governments, and fills up such a large portion of the general current of literary and political speculation, in the various leading sections of civil economy. As these modes of lending money on certain rates of interest, were contrary to the ideas which the church entertained as to the lawfulness of usury, there was at first considerable opposition to them; chiefly from the members of the clerical body. Most all the writings which the establishment of the Italian banks, and Italian schemes of finance generally, called forth, still remains in manuscript in the different libraries in Italy and France; but there is good reason for thinking, that these speculations were principally confined to the question

* Vol. I, pp. 348, 367.

of the fitness and propriety of the church engaging in any forms whatever, with usurious transactions, either of a public or a private nature. As to the effects which banks, and loans, and fictitious paper transactions, were calculated to have on the leading and primary principles of all social institutions which adopted them, there seems, up to this period, to have been nothing discovered among political writers. This was too subtile and profound a subject for the age to grapple with and unfold.

The ordinary principles or doctrines of which we, in modern times, denominate the *balance of trade*, seem up to the end of the fourteenth century, to have been little regarded or understood. Nor, indeed, are there any treatises up to this period that develope any abstract principles of commercial policy further than mere statements as to matters of fact suggest. There are many hundreds of public documents, and small works scattered in manuscript throughout the libraries of Spain, Italy, and even in Paris, which treat of custom-house affairs and tariffs, powers given to consuls, and commercial agents, and the rules and regulations appertaining to the trading in particular manufactures and commodities. There seems to have been no lack of writings on the details of trade and commerce generally, even before the art of printing came into use. But all such literary productions were necessarily limited and local in their character and influence.

CHAPTER XIX.

MISCELLANEOUS POLITICAL WRITERS, FROM THE NINTH CENTURY, TILL THE END OF THE FOURTEENTH.

THE chief portion of the political writers, briefly noticed in this chapter, may be considered as forming a species of pioneers of that division of political literature which embraces individual attacks upon established rules of polity. They constituted the still small voice of popular feeling, against the deep-rooted abuses of power and injustice. They were the first rude types of the journalist and pamphleteer. They brought politics out of the cloisters, and from the university lecture-room, and secured them a hearing at the hearths and homes of the people. Such effusions, individually considered, look to our eye of the present day, as exceeding puny and feeble; but collectively they resemble a series of small rivulets, descending from opposite and Alpine regions, which converge and form a powerful and majestic stream. As it proceeds, it gains in magnitude and strength, until all ideas of effectually resisting its progress seem futile; and the only means of turning its waters to advantage is, to make them serviceable for purposes of transport, and to the irrigating and fertilizing the various regions through which it rolls its impetuous course.

The historians of Spain ascribe a work to El Rey D Jayme Primero de Arragon, on *Moral and Political Philosophy*. It is chiefly constituted of passages taken from the ancient philosophers relative to the best means of governing a nation. The leading principles laid down in the treatise are, that all governments should be founded on the doctrines of theology, which contain the intimations of the Deity as to what is friendly or adverse to the social interests of men. The happiness of the great bulk of the people ought to be the grand aim of all legislation; and to promote it, the arts of peace, and the diffusion of knowledge, should be sedulously encouraged. All legal obligations rest on the immutable maxims of eternal justice and right; and whenever laws run counter to these, either wholly or in part, corresponding evils, of variable intensity, are the never-failing consequences, and the real interests of society are impeded and frustrated. The royal author often makes direct allusions to the writings of Cicero, especially to those portions of them which treat of the leading maxims of social polity and jurisprudence.*

The opinions of Alfric, in the year 1000, on the popular doctrine of the kingly office and character, are worthy of notice. "It behoves a christian king," says he, "that he be all as it is right the people's protector, and a just shepherd over the christian flock, and it behoves him that he with all his might raise christendom, and advance and protect God's church everywhere diligently, and pacify and reconcile with just law all christian people, as he most earnestly may, and love justice in everything, before God and before

* Bibli. Hisp., vol. 2, p. 605.

the world. Because by that he shall profit himself in the first place, and also his people, whom let him love rightly, before God and before the world. And it behoveth him that he diligently help those who wish for justice, and ever most hatefully persecute those who wish for wrong. He shall be with justice both mild and severe; mild to the good, and stern to the bad. This is the king's right, and the manner of a king, and this shall be most efficient to the people. Through the king's wisdom the people shall be happy, prosperous, and victorious, and on that account shall a wise king enlarge and increase christianity and royalty, and ever he shall hinder and persecute heathenism. He shall listen very diligently to scholars, and diligently hold God's commandments, and frequently search wisdom from his *writers*, if he will rightly hear what is good." * * * * "Every just throne stands on three props, that stand perfectly right. One is *Oratories*, and the other is *Laboratories*, and the third is *Bellatories*. The *Oratories* are the men of prayer, who shall serve God, and by day and night intercede for the whole nation. The *Laboratories* are the workmen, who shall labour in order that all the nation shall live thereby. The *Bellatories* are the men of war, (i.e. Knights,) who shall defend the land, valiantly with weapons. On these three props shall every throne stand with justice among christian people. And if any of them become weakened, soon the throne wavers; and if any of them fail entirely, then the throne falls down, and that will be the entire ruin of the people. But let man establish and strengthen and confirm them diligently, with the wise law of God, and just law of the world, that will be to the nation

for a lasting counsel. And it is true what I say, if christendom be weakened, soon royalty wavers; and if people raise lawlessness everywhere in the land, or love everywhere wickedness too much, that brings the people to ruin. But let people do as it is needful, let people put down injustice, and raise up God's justice, that may bring it to prosperity before God and before the world."*

At the commencement of the tenth century, we have a treatise, still extant, written by Constantine Porphyrogeneta, "*On the Art of Governing*," in which he investigates the origin of many ancient nations, descants on the nature and extent of their power, their progress in knowledge and riches, their various revolutions and declines; to which is added a series of their princes and rulers. He is likewise the author of a "Discourse concerning the manner of forming a Land Army, and Naval Force in order of Battle."

Political sentiment and opinion displayed themselves very early in Holland and the Netherlands. The cities in this section of Europe obtained municipal privileges and power at an early date; and the inhabitants of these independent communes were led to give publicity to their ideas on general government, chiefly through the medium of popular ballads, novels, romances, and chronicles in verse. The Dutch and Belgian languages are rich in these early semi-political productions. There are also several of these written in the French language, which became prevalent in these countries, even for literary purposes, as early as the twelfth century, and which goes under the name of *Romaine Français*, in the works of modern historians and critics.

* Cotton M.SS., N.A., folio 71.

Many of the Flemish songs, especially those classed under the head of *historical*, of the twelfth, thirteenth, and fourteenth centuries, touch very pointedly and enthusiastically on public matters and proceedings. These poetical effusions often make direct and forcible appeals to the passions of the people, and bring before them vivid and lively pictures of the civil and political movements of the day. In the songs on the death of Van Artevelde, (1345,) and those on the Duke of Brabant, (1388,) and even in others of a prior date, the reader will readily recognise the political feelings prevading this branch of the literature of the country. Van Maerland, who flourished about the commencement of the thirteenth century, was a writer of a keen political discernment. He laboured zealously and successfully to direct the popular writings of the day from legends and supernatural agents, into social, domestic, and political channels, with a view of imparting to his countrymen more elevated sentiments of patriotism, and civil independence. He translated many French works, having this tendency less or more, into the Flemish language. His two celebrated productions, "Rymbybel," and "Spiegel Historical," are written in verse, and contain an immense mass of information on everything connected with the social and civil welfare of the community at large. In the works of Aldenez, Li Muisis, Philip Mouskes, Michael de Mesmil, and other Flemish writers of the thirteenth and fourteenth centuries, there is more or less of political satire and observation to be found.*

Political sentiments, of an enlightened and liberal

*Oudé Vlaemsche Liederen, Brussels, 1844. See also the collection of M.SS. in the Burgundian Library at Brussels.

cast, are to be found in the Flemish epic poem of John Van Heclu, called the "Battle of Woeringhe," written in 1291. The work was dedicated to Margaret of England, the wife of John, the second Duke of Brabant. In the descriptions of the heroes therein mentioned, there are many most patriotic and sound maxims on general government. The same character may be applied to another historical poem, bearing a date about the same time, descriptive of the war between Godevaert, of Brabant, and the Lord Van Grimberghe, and containing not less than *twelve thousand seven hundred lines.* In 1380, Nicolas de Klerk, a burgher of Antwerp, wrote "Brabansch Yeesten," a historical poem in five books, in which there is mixed up with the public affairs of Brabant, a considerable portion of political thought and reflexion.

About the period which we have just named, there were, however, some decided popular efforts made to satirize the public folly, injustice, and wrong of the day. The work known under the name of "Renard the Fox," is perhaps the very earliest political satire known in European literature. It can be traced up to the ninth century; but about the middle of the twelfth, it was quite commonly met with in the hands of the learned in Holland and the Netherlands. It is a severe and direct attack on the general political and social attributes of the papacy. The work has excited a larger share of attention from modern critics and antiquarians, than almost any other single publication of a similar character. We find the same general idea on which this well-known production is founded, adopted at the commencement of the twelfth century, by a poet of East Flanders, who under the name of

Isengrimus, composed a poem in elegaic verse, of great beauty, and abounding in pointed satire on the events of the times. At a somewhat later date, from 1148 to 1160, another Flemish writer adopts the same poetical allegory, and under the name of *Renardus Vulpes*, composed a work containing *six thousand, one hundred and ninety-six verses*. In 1170, there is another poem in the same Belgian language, wherein the adventures of the Fox, are depicted with a great deal of quaint humour and drollery.

The satirical productions of a political complexion, which were published in *Romaine Français*, in the Netherlands, commences with the names of Raoul de Houdane. and Christian de Troyes, both natives of Hainault, and who wrote about the commencement of the twelfth century. The latter was court poet to Philip of Alsace. To these names we may add that of Jehan li Niverlois.

The work of Geraldus, "De Instructione Principium," is a curious and interesting performance, having been written about the year 1200. He was an Ecclesiastic, and had studied many years at Paris and Rome, and in the latter portion of his life, was at the English Court under Henry II. Geraldus says, "This treatise touching the instruction of princes, promised so often, our diligence has at length completed. The nobles mourn, the prelates sigh, the Church of God, alas! is moaning; spoiled by more than Pagan rage, not merely of its external possessions, but its various sacred vessels for the services of the church. * * * The powers do nothing but plunder and oppress the people; the strangers plunder; private men betray; the wretched weep. What end

this contest is like to have; what end also the Norman Kings shall find; all this is left for future historians. But for us to have detailed how that dog and tyrant, sprung from tyrants the most cruel, of all tyrants the most tyrannical, would have been an irksome and unprofitable task. A calmer day is we hope soon to look down on England's realm, when liberty and toleration, shall be the rule and not the exceptions of its rulers." The first chapter of this work is particularly interesting, pointing out the duties of princes, upon the abstract grounds of moral philosophy.

The celebrated Arabian philosopher, Averroes, wrote, in 1050, a paraphrase on Plato's Republic, which displays great acuteness, and a thorough acquaintance with the leading principles of Grecian legislation. The Arabian rests the entire fabric of all societies upon the intuitive conceptions and feelings of mankind. The leading principles of civil polity, are, in fact, emanations from the divine mind. They comprehend the love of order, of equity, of justice, and of benevolence. Mankind have misapprehended their lofty and sublime origin; and on this account they have profitted so little from their influence. But when they shall turn their philosophic thoughts steadily to the subject, they will form more comprehensive and elevated notions of political right and wrong; and learn the happy art of reconciling all the real, as well as apparently jarring elements of social life, into an an active and harmonious whole. Every earthly influence will be swallowed up in a diviner passion; and life below will be an exact type of the heavenly state, where peace, love, concord, and mutual felicity, will reign for ever. Good men have anticipated, and

sighed for, this political renovation, in all ages of the world.*

The most valuable writings to Englishmen, in a constitutional point of view, are those which relate to the general principles of the law of England, written before the end of the fourteenth century. These works have invariably held a high position in the estimation of British political writers of every age and party. The concise and pithy maxims they contain on justice, law, and government, have become so interwoven with all our public writings, that they pass current amongst us, as truths of the highest moment to the interests of society. These maxims are like land-marks to mariners —they both warn them of danger, and direct to places of shelter and security. One of the distinctive characteristics which the political literature of Great Britain possesses, over that of any other nation, is the constant reference which it makes to the leading principles of government contained in those ancient works, whenever important laws are about to be enacted or altered, in which the happiness or freedom of the mass of the people are involved. It is this sterling attribute which confers on all the old constitutional authors and civi lians of England, such a great interest and value, and which renders their views and labours so essentially necessary to every one who lays claim to the title of a political writer.

Henry de Glanville. This early writer was Chief Justice of England in the reign of Henry II. He served the king in the capacity of soldier, statesman, and judge. His celebrated work is entitled, "Tractatus de Legibus, et Consuetudinibus Angliæ;" and is

* Opera, Paris, 1596.

supposed to have been written by the express desire of the king. This conjecture is founded upon the circumstance that, in the Cottonian collection there is a manuscript of Glanville's, bearing the title of "Laws of Henry II." This treatise was first printed by Sir William Stamford.

Glanville seems to have been a great favourite of Henry's; but he resigned his legal duties as Chief Justice. We find him assuming the order of the cross, and fighting before the town of Acre, in 1190, where he unfortunately perished.*

ANDREW HORNE. This is the reputed author of the old and valuable treatise called "The Mirror of Justices." There is, however, some doubt about its real authorship. Lord Coke supposes, that by far the greater part of the work was composed before the Norman conquest. Dugdale is of opinion that Horne compiled the treatise from a very ancient law-book called "*Speculum Justitiariorum.*" Coke entertained a high opinion of the "Mirror" and says that the whole body of the common English law may be found in it.†

REGIUM MAGESTATEM. The author of this treatise is not known. From the great resemblance which it bears to Glanville's work, it is supposed that it is only a copy of that book, with some alterations. *Regium Magestatem*, treats of the law of Scotland. "Suffice it here to observe, that the Scotch work bears the marks of having been written with the view of illustrating an author; and this coupled with the circumstance

* Maddocks' Hist. of the Exchequer, p. 123, Bridgman's Leg. Bibl, c. 4 Inst: 345.

† Crabb's Hist. of English Law, p. 214.

that in Skene's collection of Scotch Laws, which follow the Regium Magestatum, several laws are taken from English statutes of prior date, it is pretty clear that a considerable part of the Scotch jurisprudence was borrowed from ours."*

HENRY DE BRACTON. Very little is known of this celebrated individual. His name has even became a matter of doubt and discussion. It is variously written, Bracton, Britton, and Breton. Mr. Prince calls him one of the *worthies of Devon;* and informs us that Bracton studied at Oxford, where he took the degree of Doctor of Laws, and applied himself with great ardour and success to the study of law. He was made a judge in the reign of Henry III.

Bracton's work is divided into *five* books. In the first, he points out the distinction existing between *persons* and *things;* in the second, the modes in which a property in things can be attained; in the third, we have a discussion on actions or remedies at law; the fourth is divided into several sections, which treat of *novel disseisin*, the assizes of *ultima presentatio*, the assize of *mort d' ancestor*, the writ of consanguinity, the grants in *elemosyna*, and on dower. The fifth, and last book is likewise divided into sections, in which the author treats of the writ of right, essoins, defaults, warrantry, and exceptions.†

In addition to these authors, there are others of a similar character, and who treat of constitutional and legal maxims in a similar manner. These are Britton, and Littleton, the authors of "Fleta," the "Doctor and Student," and the "Old Book of Tenures." In

* Crabb's Hist: of English Law, p. 67.

† Reeve's Hist: of English Law, vol. 2, p. 86.

all these the nature and general principles of the ancient law of England are laid down in clear and intelligible language.

Before the year 1400, but few political writings of a satirical character had made their appearance in the various countries of Europe. Public opinion had advanced but very timidly in this direction; nor indeed was the state of literature and knowledge such, as to foster or create works of this cast. The points or applications of satirical effusions on any subject, presuppose a general acquaintance with the topics or circumstances, on which they descant, otherwise they fall dead on the understandings of man. Satire is a polished weapon, and neither its use nor purpose can be understood by an unlettered community. This necessary condition did not, however, exist during the ages of which we are now speaking. They were unquestionably fraught with rich and varied materials on which the ridiculous and burlesque might have rioted to absolute satiety: but general information and literature were but so scantily diffused, even among the higher ranks of life, and there being no press to waft the thoughts of man far and wide, every avenue to the popular understanding was nearly closed, and a general intellectual darkness and stupidity, enveloped the entire mind of European communities.

A popular movement, however, manifested itself in England during the end of the twelfth and the earlier part of the thirteenth centuries, and gave rise to a number of Latin poems full of satirical attacks on established institutions, and characterised by sprightliness of composition. The mass of this kind of literature is ascribed to Walter Mapes, one of the ecclesiastical

dignatories of the court of Henry II. The general opinion, however, of modern antiquaries, is, that the poems under the name of Mapes, are not the production of any one author, but rather of a certain class of persons, bound together by a common feeling of hostility to certain social, political, and ecclesiastical abuses. These effusions are not the expressions of a single individual, against an order of monks; but the patriotic denunciations of a large portion of the English community against the encroaching spirit of civil tyranny and misrule. This spirit displayed itself in great vigour for nearly a century after the days of Henry II. For a season it was again dormant, and then made its appearance in the reign of Edward III., in the satirical attacks of Peirs Ploughman, and the venerable Wickliffe.

The English political songs from the years 1199, to 1216, which have recently been published by the Camden Society, are very curious specimens of popular feeling as to political subjects and events. There is in the reign of King John, a song, called the "Song of the Times," in which the king is represented as a lion, the bishops as asses; and towards the end the king is changed into a representation of Jupiter, and the Pope is called Pluto. The following is a passage from this singular production.

Roma mundi caput est, sed nil capit mundum;
Quod pendet a capite totum est inmundum;
Transit enim vitium primum in secundum,
Et de fundo redolet quod est juxta fundum.
Roma sapit singulos et res singularum;
Romanorum curia non est nisi forum.
Ibi sunt venalia jura senatorum,
Et solvit contraria copia nummorum.

Hic in consistoris si quis causam regat,
Suam, vel alterius, hoc in primis legat.—
Nisi det pecunium Roma totum regat,
Qui plus dat pecunice melius allegat.

(Rome is the head of the world; but it receives nothing clean; all that depends from the head is unclean; for the first vice passeth on into the second, and that which is near the bottom smells of the bottom. Rome receives all, and the goods of all; the court of the Romans is but a market. There are offered for sale the rights of the senators, and abundance of money dissolves all differences of opinion. Here in the consistory, if anybody plead a cause, be it his own or another's, let him first read this,—"Unless he give money, Rome denies everything; he who gives most money will come off the best.")

In a song on the battle of Lewes, which took place in 1264, nearly a century before the time in which the previous song was composed, we have some interesting matter as to the offices and nature of the kingly power. The following lines in the song, speak of this subject.

Nam dissimulatio legem non mutabit,
Cujus firma ratio sine fine stabit.
Unde si quid utile din est dilatum,
Irreprehensible sit sero perlatum.
Et rex nihil proprium præferat communi;
Quia salus omnium sibi cessit uni.
Non enim præponitur sibimet victurus;
Sed ut hic qui subditur populus securus.
Reges esse noveris nomen relativnm;
Nomen quoque scivers esse protectivum;
Unde sibi vivere soli non licebat,
Qui moltos protegere vivendo delebat.

(For dissimulation shall not change the law, whose stable reason, will stand without end. Wherefore if

anything that is useful has been long put off, it is not to be reprehended when adopted late. And let the king never set his private interest before that of the community, as if the salvation of all yields to him alone. For he is not set over them in order to live for himself, but that his people who are subject to him may be in safety. You must know that the name of king is relative; you should know also that the name is protective; wherefore he cannot live for himself alone, who ought by his life to protect many.)

We shall give a short notice of "The Revelation of Golias the Bishop," one of the poems ascribed (and with good grounds for its authenticity) to Mapes. We shall quote a few verses, in the English language, of the reign of Elizabeth.

After the author describes a kind of vision he had of seven Churches, he espied four beasts, the lion, the calf, the eagle, and something like the shape of a man. Then the poems go on thus—

"The Lion is the Pope, that useth to devoure,
And laiethe his books to pledge, and thirsteth aftir gold,
And dothe regard the marke, but Saint Mark dishonor.
And while he sailes alofte on coyne takes anker holde.

And to the Bishoppe in the cauf that we did see,
For he dothe runne before in pasture, field, and fenne,
And gnawes and chewes on that where he list best to be,
And thus he filles himselfe with goodes of other men.

Th' Archdeacon is likewise the egall that dothe flie,
A robber rightlie cald, and sees a-farre his praie,
And aftir it with speed dothe follow by and by.
And so by theft and spoile he leades his life awaie.

The Deane is he that hathe the face and shape of man,
With fraude, deceipt, and guile fraught full as he may be,
And yet dothe hide and cloke the same as he best can.
Undir pretence and shewe and plaine simplicitie.

And these have winges to flye, eche one of these said foure,
Because they flye abrode, and lie about affaires,
And they have eyes eche one, because that every houre,
They look about for gaine, and all that may be theires.

And everie one of them withe rollinge wheele dothe goe.
For that their chaunginge mynde on tickell axeltree,
Is rold and tost about with strange thoughtes to and froe,
As in a wheele the like we may all plainlie see.

And when I had perusde this title I did reade
The chapter that was next, and as I there abode,
I learnde the Bishoppes' lives, and ought the people leade,
But they do them misslike, and let them straie abrode.

Woe to the horned guydes of this poore mangled flocke,
That dothe bothe hurt and mayme the same with armed head,
Whiles on their hornes they beare eche one of them a locke,
And doe not feede their sheepe, but with their sheepe are fedd.

And dothe not thinke so much on his poore sillie flocke,
That bee bothe blynde and lame, and torne by bushe and breare
And he dothe of the count of milke and fleece take kepe,
And on his shoulders his lost sheepe he dothe beare.

And thus his wandringe flocke dothe followe their blind guyde,
Lead from the perfect waye, even as their sheapperd goes;
And when he hathe the fleece he leaves bothe flesh and hide,
To foede the raveninge woulfe, or els the gredie croes.

The following is the first verse of the song against the King of Alemaigne, in the days of Henry III.

Sitteth all stille ant herkneth to me,
The Kyn of Allemaigne, by mi leauté, (by my loyalty).
Thirtti thousand pound askede he
For te make the pees in the countrié.*

The *Visions of Peirs Plowman* exposed the corruptions and tyranny of the Church with a vigorous and

* Political Songs of England, from the reign of John to that of Edward II. edited for the Camden Society, by Thomas Wright, Esq.

unsparing hand. The following lines on the condition of the religious orders, and in anticipation of the Reformation, seems curious.

As now is Religion a rider, a roamer about,
A leader of love-days, and a loud-buyer,
A pricker on a palfrey from manor to manor;
An heap of hounds (behind him) as he a lord were:
And but of his knave heel that shall his cope bring,
He loured on him, and asketh him who taught him courtesey?
Little had lords to done to give land for her heirs
To religious, that have no ruth, though it rains on her altars.
In many places there be parsons by hemself at ease;
Of the poor have they no pity; and that is her charity!
And they letten hem as lords, her lands lie so broad.
As there shall come a King and confess you, Religions,
And beat you, as the Bible telleth, for breaking of your rule,
And amend monials,* monks, and canons,
And put hem to her penance—
And then shall the Abbot of Abingdon, and all his issue forever,
Have a knock of a King, and incurable the wound.

The real author of this poem is said to be Robert Longlande, a secular priest. Peirs is represented as falling asleep on the Malvern hills, and seeing, in a series of visions, the evils and corruptions of society, and the dissolute lives of the religious orders in particular.

We have a song, in the reign of Edward II., 1311, "On the King's breaking his Confirmation of Magna Charta."† This song is supposed to have been written on the occasion of the King's journey to the north, where he was joined by his lately banished favourite, Peter de Gaveston, and disregarded the charter which

* Nuns.

† The Auchinleck MS., Advocate's Library, Edinburgh: Art: 21.

he had confirmed in the beginning of the October of that year. We shall extract a few lines from it.

L'en puet fere et defere,
Ces fait-il trop sovent;
It nis nouther wel ne faise;
Therefore Engelond is shent.
Nostre prince de Engletere,
Par le consail de sa gent,
At Westminster after the feire
Made a gret parlement.
La chartre fet de eyre,
Jeo l' enteink et bien le crey,
It was holde to neih the fire,
And is molten all away.
Ore ne say més que dire
Tout i va á Tripolay,
Hundred, chapitle, court, and shire,
All hit goth a devel way.
Des plusages de la tere
Ore escotez un sarmoun,
Of üij, wise-men that there were,
Whi Engelond is brouht adoun.

(A person may make, and unmake,—it is what he too often does;—it is neither well nor fair;—on account of it England is ruined. Our prince of England,—by the counsel of his people,—at Westminster after the fair,—made a great parliament. The charter he made of wax,—so I understand, and I really believed it,—it was held too near the fire,—it is all melted away. Now I know not what more to say,—all goes to Tripoli,—hundred, chapter, court, and shire,—all goes the devil's way. Of the wisest man of the land,—now listen to a discourse,—of four men that there were,—why England is brought down.)

In the other parts of the song, we have the counsel of advice of these four wise men to the king. The

first tells him, that unless he takes heed to his ways, observes the Lord's commands, and avoids violence and oppression, he will be cut off. The second enjoins the royal person "not to row against the flood," that is not to aggravate his people into anger and discontent. The third person, says that it is no wonder the land groans, seeing, that bad government, lust, and rapine everywhere prevail. And the fourth wise councillor says, a king must be mad who will not take timely counsel of his advisers.

The political sentiments of our own admirable Chaucer, (1380,) were those of a decidedly liberal and enlightened cast. Many striking passages of this stamp, may be culled out of his poetical effusions. His description of the social and religious duties of a parish priest, is of the most ennobling kind, and must have been pointedly felt, as a severe piece of irony by the clergy of his day. It is a bitter reproach on their general character,—a character which then maintained so close an alliance with the political views and sentiments of the community at large. We shall here insert these beautiful verses, clothed in the modern, though very periphrasistical garb of our inimitable Dryden.

A Parish priest was of the pilgrim train;
An awful, reverend, and religious man.
His eyes diffus'd a venerable grace,
And charity itself was in his face.
Rich was his soul, though his attire was poor
(As God hath cloth'd his own ambassador);
For such, on earth, his bless'd Redeemer bore.
Of sixty years he seem'd; and well might last
To sixty more, but that he liv'd too fast;
Refin'd himself to soul, to curb the sense;
And made almost a sin of abstinence.

Yet, had his aspect nothing of severe,
But such a face as promis'd him sincere.
Nothing reserv'd or sullen was to see;
But sweet regards, and pleasing sanctity:
Mild was his accent, and his action free.
With eloquence innate his tongue was arm'd;
Though harsh the precept, yet the people charm'd;
For, letting down the golden chain from high,
He drew his audience upward to the sky:
And oft with holy hymns he charm'd their ears
(A musie more melodious than the spheres):
For David left him, when he went to rest,
His lyre; and after him he sung the best.
He bore his great commission in his look:
But sweetly temper'd awe; and soften'd all he spoke.
He preach'd the joys of heaven and pains of hell,
And warn'd the sinner with becoming zeal;
But on eternal mer[redacted]
He taught the gospel rather[redacted]
And forc'd himself to drive; but lov'd to draw.
For fear but freezes minds; but love, like heat,
Exhales the soul sublime, to seek her native seat.
To threats the stubborn sinner oft is hard,
Wrapp'd in his crimes, against the storm prepar'd;
But, when the milder beams of mercy play,
He melts, and throws his cumbrous cloak away
Lightning and thunder (heaven's artillery)
As harbingers before th' Almighty fly;
Those but proclaim his style, and disappear;
The stiller sound succeeds, and God is there.
The tithes, his parish freely paid, he took;
But never sued, or curs'd with bell or book.
With patience bearing wrong; but offering none;
Since every man is free to lose his own.
The country churls, according to their kind,
(Who grudge their dues, and love to be behind,)
The less he sought his offerings, pinch'd the more,
And prais'd a priest contented to be poor.
Yet of this little he had some to spare,

To feed the famish'd, and to clothe the bare;
For mortify'd he was to that degree,
A poorer than himself he would not see.
True, priests, he said, and preachers of the word,
Were only stewards of their sovereign Lord;
Nothing was their's, but all the public store
Intrusted riches, to relieve the poor;
Who, should they steal, for want of his relief,
He judg'd himself accomplice with the thief.

Wide was his parish; not contracted close
In streets, but here and there a straggling house;
Yet still he was at hand, without request,
To serve the sick, to succour the distress'd
Tempting, on foot, alone, without affright,
The dangers of a dark tempestuous night.

All this the good old man perform'd alone,
Nor spar'd his pains; for curate he had none,
Nor durst he trust another with his care;
Nor rode himself to Paul's, the public fair,
To chaffer for preferment with his gold,
Where bishopricks and sinecures are sold;
But duly watch'd his flock, by night and day,
And from the prowling wolf redeem'd the prey,
And hungry sent the wily fox away.

The proud he tam'd, and penitent he cheer'd;
Nor to rebuke the rich offender fear'd.
His preaching much, but more his practice wrought
(A living sermon of the truths he taught);
For this by rules severe his life he squared,
That all might see the doctrine which they heard;
For priests he said are patterns for the rest.
(The gold of heaven, who bear the God impress'd:)
But when the precious coin is kept unclean,
The sovereign's image is no longer seen.
If they be foul on whom the people trust,
Well may the baser brass contract a rust.

The prelate, for his holy life he priz'd;
The worldly pomp of prelacy despis'd.
His Saviour came not with a gaudy show;

Nor was his kingdom of the world below.
Patience in want, and poverty of mind,
These marks of church and churchmen he design'd,
And living taught, and dying left behind.
The crown he wore was of the pointed thorn;
In purple he was crucifi'd, not born,
They who contend for place and high degree,
Are not his sons, but those of Zebedee.

Some of the modern critics of Chaucer maintain, that he was not a decided theological or political reformer, and never made any regular or systematic attacks upon the abuses of his day in church and state, but simply contented himself with merely giving them, in passing, a side-thrust, or a chance skirmish as he pursued his course. It evidently appears that he directed a keen satirical eye towards the lax discipline and worldliness which characterised the general body of the clergy, and delighted in giving them an open and direct rebuke, whenever a suitable opportunity offered.

In the writings of Wycliffe, we find many remarks on the nature of the temporal power of Popes and Sovereigns. He does not dispute the right of the Roman Pontiff over kingdoms and church property in the abstract, but inveighs against the abuse of decretals, and lays down the principle that all clergymen should be subject to the civil law, and magisterial authority.

Among the most influential of all political publications of this period of history, stand the translations of the Old and New Testament. It is stated that so early as the year 1260, Jacopo da Voragine, Bishop of Genoa, the author of the *Golden Legend*, translated the scriptures into the Italian language. This has

been, however, denied by some historians of credit. The first edition of Wickliffe's bible bears the date of 1380.

Benard, Bishop of Aberbrothick in 1303, and Chancellor to King Robert Bruce, wrote the spirited remonstrance which the Scottish nobility and barons transmitted, in 1318, to the Roman Pontiff, asserting the independence of their country. The distinction between civil and religious principles is laid down with great clearness and force.

Those poetical effusions of the troubadours, devoted to moral and political vices of all kinds, were denominated *Sirventes*, and are very numerous. They attack the corruption of the times with honest and burning zeal, and unsparing severity. The public servants of the Romish power are often represented as the most tyrannical and bloodthirsty rulers.

"The poets of the middle ages" says Dr. M'Crie, "known by the name of Troubadours, had joined with the Vaudois, in condemning the reigning vices of the priests; and several of the superstitious notions and practices by which the clergy increased their power and wealth were assailed in those lively satires, which were written in the ancient language of Provence, but read by the inhabitants of Italy and Spain. It is a curious circumstance, and may be considered as reflecting honour on a sect which has been so unmercifully traduced by its adversaries, that the *Noble Teyron*, and other religious poems of the Vaudois, which are among the earliest and rarest monuments of Provencial poetry, contain few of those satirical reflections on the clergy, which abound in the writings of their contemporaries who remained in the Romish Church.

"Indulgences, (says one of the latter,) pardons, God and the devil,—all, the priests make use of. To some they allot paradise by their pardons: others they send to hell by their excommunications. There are no crimes for which pardon cannot be obtained from the monks: for money they grant to renegades and usurers that sepulchre which they deny to the poor who have nothing to pay. To live at ease, to buy good fish, fine wheat-bread, and exquisite wines, is their great object during the whole year. God grant me to be a monk if salvation is to be purchased at this price!"

"If God, (says another troubadour) save those whose sole merit lies in loving good cheer, and paying their court to women—if the black monks, the white monks, the templars, the hospitallers, gain heaven, then St. Peter and St. Andrew were great fools to submit to such torments for the sake of a paradise which costs others so little."*

The poetical verses of the Norman poet, Luke de Barre, are well known as political satires, which brought upon their author a cruel and appalling death in the twelfth century. In an insurrectionary movement in Normandy in 1124, against the usurped authority of Henry I. of England, Barre joined the enemies

* Si monge niers vol dieus que sian sal,
Per pro manjar ni per femnas tenir,
Ni monge blanc, per boulas a mentir,
Ni per enguelph Temple ni Espital,
Ni canonge per prestar a renieu,
Bene tene per fol sauh Péir, sauh Andrieu,
Que sofriro per Dieu aital turmen,
S' aquest s'en van aissi a salvamen.

(Raymond de Castelnau; Renouard, Choix des Poësis Orig: des Troubadours, tome, 4, p. 383.)

of that Prince, assisting them both with his sword and his pen. He was taken prisoner, and when intercession was made for him, by an influential foreign power, his enemy replied, "No, sir, no; for this man being forsooth a wit, a bard, and a minstrel, hath composed many indecent songs against me, and moreover, hath sung them openly, to the great entertainment of my enemies; and since God hath pleased to deliver him into my hands, he shall be punished, in order to deter others from the like impertinence." The poor political satirist was sentenced to lose both his eyes, and died in consequence of the wounds he received in struggling with his executioners.

The political tract "De Monarchia" of the celebrated poet, Dante, will be found at the end of the common editions of his entire works.

The first chapter is devoted to the question on the necessity of monarchy. This he does by examining the principles of our nature which induce us to place power in a single hand; and then he refers to the opinions of Aristotle and Cicero on the matter.

The second chapter refers to the principles of monarchy as understood and acted on by the Romans. Here there is an extended reference made to history, from the earliest times to the author's own day. The third book contains an examination into the nature and offices of monarchy, and whether it be by divine appointment. The scripture history on these points is appealed to. The entire work seems but a slight sketch; and to embrace chiefly the scriptural view of the institution of monarchy. The unity of human nature is a leading

principle with Dante. The Popes were so contrary to his taste, as a politician, that he defends, in this work on monarchy, the doctrine of the divine right of Kings, in opposition to that of the divine right of Papal supremacy. He mentions that the imperial power was undivided and independent of the Popes; who, he says, instead of being true sons of the Church, showed themselves to be children of iniquity and of the devil.* The De Monarchia was ordered to be burnt at Bologna by one of the Pope's legates after Dante's death.

He founds his main arguments upon the reasonings which Aristotle has laid down in his Ethics. But neither the logical skill nor acuteness of the Stagyrite are displayed in the "De Monarchia;" for Dante feels more at home in employment of the symbolical language of the prophets of the Old Testament, than in the rigid forms of Grecian dialectics. He even calls upon Virgil as a witness for the truth of his theory of the indefeasible political rights which he claims for the German Emperors.

The political satires spread throughout the poetical works of the immortal Dante, are well known. His Comedia, according to an Italian critic, is one entire allegorical attack on the Romish political and civil power.† In the 6th Canto of his Purgatory, he lashes with unsparing severity the citizens of Florence for the extreme jealousy they displayed for the security of the civil and political privileges they enjoyed. He likewise declares that Rome is the Babylon of the Revelations.

* Dante's *Monarchia*, was translated from the original Latin into Italian by Marsilis Ficini, about the termination of the fifteenth century. It was placed in the *Index Prohibitorius* of Rome in 1559.

† Rossetti.

Quella, che non le sette teste nacque,
Et do le diece corna hebb' argomento,
Fin che virtute al suo marito piacque.
Fatto v' havete Dio d'oro et d'argento,
Et che altr' è da voi a l'idolatre,
Se non ch'egli uno, et da voi n'orate cento? †

These sentiments may be given in English thus:—

"Of shepherds like to you th' Evangelist
Was ware, when her, who sits upon the waves,
With kings in filthy whoredom he beheld;
She who with seven heads towered at her birth,
And from ten horns her proof of glory drew,
Long as her spouse in virtue took delight,
Of gold and silver ye have made your God,
Diff'ring wherein from the idolater,
But that he worships one, a hundred she.
Ah! Constantine, to how much ill gave birth,
Not the conversion, but the plenteous dower
Which the first wealthy father gained for thee?"

Dante seems in his *Purgatory* to have prophecied the final downfall of the papacy.

"Yet it may chance, ere long, the Vatican,
And other most selected parts of Rome,
That were the graves of Peter's soldiery,
Shall be delivered from the adult'rous bond."

Dante's invective against the city of Pisa is bitter in the extreme, and the imprecations he pours on the heads of all his personal enemies, and on those political agents actively engaged in spreading anarchy and confusion throughout Italy, are powerful and terrific. He is under the influence of lofty ideas of national reform and regeneration; and one of the grand objects for the attainment of these, is the total separation of the spiritual from the temporal authority of the Pontiffs. The Guelphs of Florence, the Papal Court, and

† Canto, 19.

the King of France, the three powers allied against his country's freedom and happiness, he represents under the emblems of the panther, the wolf, and the lion. In the 19th Canto of the *Paradiso*, the several crowned heads of his day pass in review before him, on all of whom he pours the vials of his wrath. As an exposer of public abuses, and a reformer, the poet felt the severity of unbridled authority, and suffered banishments and privations of a trying kind. Yet he bore them all with heroic fortitude. We are told, that when one of the clerical dignitaries of note, connected with the ruling powers of the day, whom he addresses as Father, intimated to him, that he might return again to his home, provided he would acknowledge his guilt, and ask for absolution; he nobly replied: "No, father, this is not the way that shall lead me back to my country. But I shall return with hasty steps if you or any other can open me a way that shall not derogate from the fame and honour of Dante; but if by no such way Florence can be entered, then to Florence I shall never return. Shall I not everywhere enjoy the sight of the sun and stars? May I not seek and contemplate truth anywhere under heaven without rendering myself inglorious, nay infamous, to the people and commonwealth of Florence? Bread, I hope, will not fail me."*

The political writings of Petrarch, will be found in his book, on the "Administration of Republics." He examines the foundation and origin of governments, and the principles on which all legal authority rests. The constitution of man is the basis of all. He dwells at considerable length on the political

* Foscolo's Petrarch and Dante.

sentiments and opinions of the ancients. The entire Roman system of government is reviewed by the poet. He expresses himself in rapturous terms in his praises of general liberty and freedom. *

In his poetical works, and confidential letters, there are passages of great force and beauty, directed against the vices and delinquencies of the papacy. The Holy see is called the "impious Babylon;" "avaricious Babylon;" "the School of Error;" "the temple of heresy;" the forge of fraud;" "the hell of the living;" The following stanzas will be found expressive of some of his sentiments on this subject.

The fire of wrathful heaven slight,
And all thy harlot tresses smite,
Base city! thou from humble fare,
Thy errors and thy water, rose
To greatness, rich with others woes,
Rejoicing in the ruin thou didst bear.

Foul nest of treason! is there ought
Wherewith the spacious world is fraught
Of bad or vile—'tis hatched in thee:
Who revellest in thy costly meats,
Thy precious wines, and curious seats,
And all thy pride of luxury.

The while within thy secret halls,
Old men in seemly festivals
With buxom girls in dance are going;
And in the midst old Beelzebub
Eyes, through his glass, the motley club,
The fire with sturdy bellows blowing.

In former days thou wast not laid
On down, nor under cooling shade:
Thou naked to the winds was given,
And though the sharp and thorny road,
Thy feet within the sandals trod;
But now thy life is such it swells to heaven."

* Opera, folio, Basil, pp. 373, 386, 535.

Avignon, in France, was the seat of the Papacy for seventy years, and Petrarch resided there a part of this time. In his letters he draws the picture of the hierarchy, from what he himself daily saw around him. He says that "Babylon on the Rhone resembled her sister on the Tiber." "I am at present," says he in one of his letters, "in the Western Babylon, than which the sun never beheld any thing more hedious; and beside the fierce Rhone, where the successors of the poor fishermen now live like Kings. Here the credulous crowd of Christians are caught, in the name of Jesus, but by the arts of Belial; and being stripped of their scales, are fried to fill the belly of the gluttons. Go to India, or wherever you choose, but avoid Babylon, if you do not wish to go down to hell alive. Whatever you may have heard or read of, as to perfidy or fraud, pride, incontinence, and unbridled lust, impiety, and wickedness of every kind, you will find here collected and heaped together. Rejoice, and glory in this O Babylon, situated on the Rhone, that thou art the enemy of the good, the friend of the bad, the asylum of wild beasts, the whore that last committed fornication with the Kings of the earth."

There has been a good deal of light thrown, in recent times, on the general question, as to the allegorical character of the chief Italian poets of the fourteenth century, by the publication of Signor Rossetti's works.* He has with great learning and candour, devoted many years to the consideration of the subject. The general conclusions to which he

* "La Divina Commedia de Dante Alighieri, con Comento Analitico,' 1826. "Sullo Spirito Antipapale dei Classisi Antichi d'Italia." 1832.

has arrived, relative to the double or political meaning of these poetical effusions, may be stated, from his own work, in the following terms.

The greater part of these literary productions hitherto looked upon as mere works of amusement, as romances, love verses, or even formal and ponderous treatises, are writings which embody certain hidden doctrines and mysterious rites, transmitted from early ages; and that these portions of their contents bearing the appearance of fantastic fables, contain a mass of unknown history, expressed in particular symbolical characters or terms, calculated to preserve the memory of the secret labours of our ancestors. The obscurity which pervades these works is remarkable, and purposely effected by profound study. The most eminent literary men of various ages, and languages in Europe, were pupils in this mysterious school, which, never losing sight of its principal object, sought out distinguished talents, in order to induce their possessors, to co-operate in the bold design. The modern civilization, or political progress of European States, is mainly attributable to the incessant labours of this school, which produced a vast number of works, fitted for the instruction of nations, and for preparing the public mind for great changes and events. It was chiefly by the unwearied activity, and innumerable proselytes of this school of reform, that the seeds of a deep hatred against Rome were disseminated throughout Europe for many centuries, which prepared the way for that explosion of opinion and doctrine which shook the Vatican to its centre, and ushered in the Reformation in the several countries of Christendom.

The volcanic eruption of free opinions and new political doctrines, which has agitated in modern times the minds and hearts of all Europe, is the tardy effect of the slow but unremitting labours of this ancient school of innovation, which was steadily bent on enfranchising mankind, alike from priestly thraldom, and monarchical tyranny. It has succeeded, through many and painful sacrifices, in partially subduing the first; it now redoubles its strength to overthrow the last.

These statements contain the substance of Rossiti's labours; but we regret our inability to follow him through the various steps of the argument. All we can do is to throw together a few brief observations on the leading incidents on which the author relies for the soundness of his general conclusions.

Historians agree in affirming that the latter half of the thirteenth century was one of the critical epochs in the history of Rome. She was assailed by powerful princes on every side, desirous to repress her temporal and spiritual authority. She proved for the time victorious; but much of her vital strength had been lost in the conflict. While she kept her outward enemies at arm's length, her internal ones multiplied to a great and alarming extent. The Albigeois, and other schismatics had to be repressed by the violent means of the Inquisition. The heretical sects called *Paterini* or *Cathari*, reputed by Catholics as the real descendants of the ancient Manicheans, and who were leagued with the Vaudois and Languedocians, employed a secret language to facilitate their intercourse with one another, in these times of unrelenting persecution. As a direct confirmation of this, there is a letter preserved in Mathew Paris, (1243) purporting to be the compo-

sition of Yvo, of Narbonne, an apostate from one of these sects, in which he states, that he travelled through Tuscany and Lombardy, and was every way welcomely received by the brotherhood by means of this symbolical language. These sects, and the Albigeois, were accused by the partizans of Rome, of believing in the *reign of Satan on the earth.* Rossetti shows that the evil power here recognized was the figurative representation of the Pope. This secret system of interpretation was adopted by all the learned and wary opponents of the Church and State; and while the mass of the orders of the Paterini were banished, burnt, and massacred in various ways, their more influential and daring leaders, of the higher classes of society, escaped through the means of powerful political sympathisers and protectors.

Among the more secret enemies of the Papal authority at this time, the brotherhood of the Templars has been placed. They had their secret schools and societies; and mysterious charges of sorcery and blasphemy were often brought against them by their enemies. The hostility of the Vatican was steadily directed against them. Their sufferings and heroism constitute some of the most touching parts of the history of the times of Dante and his contemporaries. He recognises them, along with his Ghibelline friends, as fellow victims to ecclesiastical oppression.* Boccaccio likewise speaks of them in the most eloquent terms, comparing them, as martyrs for the truth, with the most illustrious sufferers of former ages.†

* Purgatoris, Canto 20.

† Cernere numero quinquaginta sex homines, non eodem sub cœlo genitos, non iisdem moribus educatos, non eruditos doctrinis, non prævisos et ex composito factos, non uno reclusos carcere, nec in aliquo nisi professione

The system they advocated, was shared with the Albigeois and the Ghibellines, and was transmitted to succeeding ages by secret societies and a particular language, long after the Templars ceased to exist as an authorized order of men. Their doctrines, Rossetti affirms, illumine the pages of Dante, Petrarch, and Boccaccio; and visible remains of them are still to be traced in the symbols and observances of modern masonry.

But the most inveterate enemies to the power of Rome, both temporal and spiritual, were the Imperialists or Ghibelline party in Italy. At the commencement of the fourteenth century it was constituted of a great portion of the leading warriors and civilians of the country, and of those whose learning and taste gave a tone and direction to public opinion. These men were too cautious to attack the Pope openly on religious topics and doctrines, but they boldly reprobated and called in question his assumption of temporal dominion, and undisguisedly upheld the legitimate rights and privileges of the supposed heir to the throne of the Cæsars.

Many of these influential and able men belonged to the school of the Tuscan poets, of which Dante was a distinguished member. And we now come to notice the particular device, that, by common consent, was adopted to convey the notions of political and religious reform to the parties themselves, as well as to form a channel through which they might likewise be conveyed, in future times, to mankind at large. This

conformes, adeo in constantiam convenisse ut non cruciatus ut imminentis mortis tertore discrepans cæteris unus foret: in tam grande monstrum excedit, ut auferatur facile fides: *nec dubium: sola veritas fecit unanimes.*

device was a very singular one. It was the personification of Love; the making it a pure abstraction; but yet giving it life, form, and sentiment, under the garb of a beautiful and fascinating lady. It was Platonic love in the loftiest sense of the expression. Dante, in his treatise *De Vulgare Eloquentiâ*, expressly declares that Love is the only passion or sentiment in which the vulgar language can be effectively and generally employed. This idea constituted the basis of his allegorical writings, and those of his contemporaries. It has for ages formed a subject of astonishment to critics and readers, and far beyond their comprehension on the ordinary principles of literary criticism, why this love sentiment and feeling should be tortured into such puerile and extravagant conceits, and why sensible and able men—men having a perfect knowledge of the world—should deliver themselves of such strange absurdities on a passion, more or less indulged in by all mankind. Many of these poets were exiles, and in a state of abject poverty; many were slain in battle; and still more were made to feel the world's frown in every possible manner, depressing to the mind, and scorching to the feelings; yet they expressed their love to their respective objects of attachment in such overstrained and bombastic phrases, and with such unsuitable fervour and enthusiasm, that ordinary mortals could neither comprehend nor sympathise with them. An old companion of Dante's in his exile, Sennuccio del Bene, almost at the grave's mouth under the pressure of years and misfortunes, exclaims that "Love will cause his old age to be dishonoured with the crime of vanity, *and will make many nations his enemies.*" One of the last survivors of this school, Cino da

Pistoia, a soldier and politician, dies at the age of eighty, and Petrarch bids "ladies, love, and lovers lament, for that our amorous Messer Cino has lately taken his departure from us." Dante, himself, in his *Vita Nuova*, tells us, that when his noble lady Beatrice departed this mortal life, the city wherein she dwelt became void and desolate, insomuch that he, commiserating its situation, indited an epistle to the Princes of the earth, that is, the Cardinals of Italy, respecting its forlorn condition, commencing with a passage from the prophet Jeremiah, "Quomodo sola sedet civitas plena populo ? Facta est quasi vidua domina gentium." Our critic Rossetti, calls upon all reasonable and intelligent men to consider these strange effusions, and say, whether it was not beyond all controversy that there is "something more meant than meets the ear," independent of all other sources of confirmation, for the general theory he wishes to establish.

Some of the critics on Rossetti's writings likewise. tell us that "these amatory Ghibelline writers sometimes emancipated themselves from the trammels of the seemingly frivolous school to which they belonged. Whenever they felt themselves secure from the enmity of Rome, they attacked her abuses in such open terms, that they appeared almost on the point of throwing off altogether her spiritual supremacy. Such is the character especially of the *Paradiso* of Dante; which, there are strong reasons for believing—according to Ugo Foscolo—was not known to the world until after the writer's death. Petrarch, who wrote when the seat of the Church was removed to Avignon, frequently adopts a tone resembling that of the early reformers. But it is to be remarked that his Latin

epistles, which throw the strongest light on his mode of thinking on these subjects, were not published during his lifetime; and that the names of those to whom the boldest of them were addressed, have never been discovered. The same caution which induced these writers to be sparing in their open provocations of Romish hostility, would naturally lead them to express their minds more fully under cover of figurative diction. Long before any attempt had been made towards the construction of the general theory which Rossetti has so elaborately raised, the Eclogues of Petrarch, for example, had been observed to contain, under their unmeaning pastoral dress, strong traits of political allegory. 'Quelques unes,' says Ginguené, 'sont de vraies satires, telles que la sixiéme et la septième, ou la Pape Clément VI. est évidemment représénte sous le nom de Mition (doux clément).' And he proceeds to extend this interpretation farther. The Eclogues of Boccaccio, still less known than those of Petrarch, are obviously of the same character. To take as an example the third. The wealthy shepherd Argus enjoyed a wide and rich domain, near the Straits which separate Italy from Sicily. At his death, the young Alexis succeeded to his possessions; but, wandering in that region, he was slain either by a she-wolf, or by the lions with which its woods abound. His brother Tityrus, on hearing of his mishap, calls from his abode by the banks of the Danube, his numerous hounds and rough herdsmen to seize and punish the wolf and the lions. Here is a most unmeaning fable, delivered in very prosaic Latin hexameters. But let us suppose, with Rossetti, that the history of the two last Neapolitan princes

of the Swabian line is embodied in these verses, and every allusion becomes at once plain and manifest. These are the strains of an admirer, a commentator, and almost a contemporary of Dante; and can we not recognize in the wolf and lion, which devour the unfortunate Manfred, two of the allegorical beasts which so sorely beset the poet in the first Canto of his *Inferno*, and which have since scarcely less perplexed his critics and his readers?

To give further support to the theory of political allegory, pervading and directing the early Italian poetry, M. Rossetti states many curious coincidences relative to this general personification of the passion of Love. The following circumstances are curious. Petrarch falls in Love with his incomparable Laura in a Church at Avignon, on a *Good Friday*. On *Easter Sunday*, the Maria or Fiammetta of Boccaccio, was first recognised by him in a church at Naples. On *Good Friday*, the Catalan Ansias March, a friend and imitator of Petrarch, falls in love in a church with his lady, Teresa. On the eve of *Good Friday*, in the year 1300, the pilgrimage of Dante through the wilderness begins. In *Easter Week*, Petrarch commences his *Africa*. In *Easter Week*, Boccaccio places the beginning of the narrative which forms the basis of his *Decameron*. And, lastly, *Easter Week* was sacredly set aside by the Templars, for the performance of their initiatory rites. All these, Rossetti contends, could never be mere casual coincidences, but must have been the result of a common plan and purpose. *

* See the two chapters of Rossetti's essay, "Cenno Prelimiare, sull amo Platonico."

"By analogy, then," says an able critic on this subject, "from the known and understood writings of those ancient poets, and by a long series of inductive reasoning from internal evidence, which it would be injustice to endeavour to compress within our pages, Signor Rossetti arrives at the conclusion, that the School of Love was in fact the school of a secret science, whose essence consisted in a sworn hatred to the Pope, both as spiritual and temporal sovereign, and a desire for the regeneration of the world by his overthrow, and the substitution of the universal monarchy of the Cæsars. Love, it appears, signifies—in the conventional language of the school—"*affection for the Empire.*" "Trilingues ergo doctores," says Dante, "De Vulgaris Eloquentia:" these, according to our author's system, are the three sects which adopted the figurative language—Albigeois, Templars, Ghibellines—"in hoc maxime vocabulo conveniunt, quod est Amor." The word Donna figured all sorts of power and intelligence in the abstract; the especial Donna of the poet's thoughts was, of course, the imperial authority, or the emperor himself; but other inferior authorities, and especially the more learned and higher graduates in the Ghibelline school, were likewise, according to our author's interpretation, the "Donne" to whose understanding these sonnets and canzoni are usually directed. "Donne Gentili," as Dante calls them in his Vita Nuova, "e che non son pur femmine." "Life," was a state of Ghibellinism; "Death" the opposite—a state of slavery to the Pope, whether spiritual or temporal. The same antithesis was expressed by various other correlatives—Liberty and servitude—Cortesia (Courtliness, Imperialism),

and Pieta (Religion, Superstition). Numerous other similar expressions, to which the key may be found with more or less ease by comparison with those writings of the sect of which the political sense is obvious, complete the dictionary of this singular "gergo" or slang, as it may be called in English, for want of a more appropriate expression." *

The theory of Sig. Rosetti's has met with the most powerful opposition from the heads of the Catholic hierarchy in Italy. They have struggled hard to rebut all his charges, to ridicule his symbolical explanations, and charge him with being actuated by the most revengeful and deadly hostility to the entire Papal and political creed. The author has attempted, with great spirit, to answer these several accusations; and the following quotation contains a few of his reasons for maintaining his main position, that all the early Italian writers of any note, were ecclesiastical and political reformers, combatting the corruptions of the day under covert of feigned colours.

"Perceiving that the study of Dante forms, as it were, the occupation of our age, and ultimately persuaded that, notwithstanding this predilection, his poem had never been well understood or explained, I was unable to resist an impulse of vanity, which induced me to publish a part of my labours in the shape of an Analytical Commentary on the Divine Comedy. Being, however, profoundly impressed with a sincere veneration for the Roman Church, I was unwilling to reveal all that I had discovered: I dared not wholly to unmask *that* Dante who bore the title of the Theological Poet: I represented him

* Edinburgh Review vol. 55, p. 539.

as antipapal in politics, but papal in belief. But my silence was not so complete as it should have been in order to avoid attacks, while I did not say as much as I ought to have said to found my interpretation securely. I wrote, in short, for those intellects which could understand more than was expressed; and thus presented to the world, the two first volumes of my laboured Commentary, which made its first steps with doubtful destinies, between applause and scorn, and then stood still. . . . Some civil criticisms, some uncivil ones, and even some scurrilous and contumelious, were the reward of my great exertions, and of two long years of assiduous fatigue. I heard myself called an impious enemy of the Catholic Church, and a frontless libeller of Dante; and these titles were the fruit of my wish to respect the Church, and to speak honourably of the poet. I was charged with ignorance, because I had preferred to conceal a great part of what I knew. . . . . I discovered that my misfortunes arose from three causes: First, from my reluctance to speak openly, which made me avoid saying all that was necessary to prove an assumption founded on repeated and careful investigations: Secondly, from my inability to do so had I wished it; because, being constrained to follow step by step the text of Dante, I could not dilate upon the general tendency of my meditated system of interpretation: Lastly, that I had not dared to declare on what secret doctrine the poem is founded, and to deduce the true result from the examination of many ancient writings compared with the ritual volumes of the sect which professes that doctrine. I perceived that, if I wished to continue my work, it was necessary

to cause it to be preceded by another, which might serve as an introductory hypothesis to the Commentary, in which I must supply my deficiencies under the three heads above noticed; that, in short, it was necessary for me to do that which I have begun to perform in the work of which I here present the first specimen. Having recomposed my mind from the insults I had received, I took my pen, and wrote the Disquisitions which I now begin to publish." *

Chancellor Gerson. "De Auferibilitate Papæ," (1368.) This is the production of a well-known philosopher, and one who had studied the general principles of polity, as then usually expounded, with great care. The entire object of the work is to show, that general councils of the church were superior in ecclesiastical and political authority, to the decisions of the pope; and that the encroachments of the church should be arrested by the temporal arm of civil authority. He speaks of the papal power in the following fashion. "The universal church," says he, "is an assemblage of all Christians, Greeks, and Barbarians, men and women, nobles and peasants, rich and poor. It is that church which, according to tradition, can neither err nor fail; its chief is Jesus Christ alone; pope, cardinals, prelates, clergy, kings and people, are all members of it, though in different degrees. There is another church nominated apostolic, which is particular, and contained in the universal church, namely—the pope and the clergy; it is that body which is called the Roman Church; which has the pope as head, and the other ecclesiastics as members. That church can both err and fail—it may deceive or be

* Disq. p. 381, 382.

deceived—it may fall into schism and heresy—it is merely the organ or the instrument of the universal church, and has no authority, except as far as the universal church allows it, for the exercise of that power which belongs to it alone. * * * * "The church has the right of deposing popes who render themselves unworthy or incapable of exercising their office; for if a king, who holds the kingdom from his ancestors, may be deposed when the public good requires it, how much more may a pope who owes his dignity only to the election of the cardinals, and whose father or grandfather may never have had even *his fill of beans?* Is it not intolerable that *the son of a Venetian fisherman* should pretend to the possession of the pontificate as if it were his inheritance, to the great discomfort of the church, and notwithstanding the opposition of kings, princes, and prelates? * * * * * * "What folly to allow that a poor mortal, a child of perdition, a miser, a liar, a fornicator, a wicked profligate, should assert that what he binds on earth is bound in heaven!"

Again, "And as to the maxim that the pope may be judged by none, it is their own invention and is contrary both to natural and divine right, which require, that as the pope is a man, and consequently subject to error and sin, he should be judged like any other man for every fault, and even more severely than another, as his elevation renders his faults so much more dangerous. The papal see has been filled by heretics and murderers; infallible authority is not, therefore, in the pope; it is in general councils which represent the universal church."*

Nicholas Oresme, a native of Normandy, and bishop

* Opera: Vol. 3.

of Bayeux, was born in 1356, and died in 1383. He was appointed by Charles V. to translate the *Politics*, and *Economics* of Aristotle, into French. The task was ably executed. The bishop was considered one of the most profound politicians of his day. The translations were not printed till 1489.

Spain was not without satirical effusions of a political cast, at this early period, for we find in the poems of Juan Ruiz, archpriest of Hita, published about 1350, that he dealt very freely with the manners and the civil authority and influence of the clergy. He represents the gates of Paradise to be solely opened by money, and the priests wallowing in sensuality with the purchase money. He likewise states that the pope, as well as the great body of both secular and regular clergy, were equally under the influence of these worldly and mercenary motives. In another production of his muse he is as severe against the manners of the clerical body, whom he describes as living in avowed concubinage. He represents Don Gil de Albornoz, archbishop of Talavera, as having procured a mandate from the pope, ordering all the clergy to put away the wives and concubines whom they kept in their houses, under the pain of excommunication. When this mandate was read to them in a public assembly, it excited a warm opposition; violent speeches were made against it by the dean and others; some of them declared that they would sooner part with their dignitaries; and it was finally agreed that they should appeal from the Pope to the King of Castile.

The following lines are quoted as a sample of the author's poems:

Si tovieres dineros, habras consolacion,
Plaser, è alegeria, del Papa-racion,

Comprarás paraiso, ganerás salvacion,
Dó son muchos dineros, es mucha bendicion,
Yo vi en corte de Roma, dó es la santidat,
Que todos al dinero fasen grand homilidat,
Grand honra le fascian con grand solenidat,
Todos à el se homillan como à la magestat.
Fasie muchos Priores, Obispos, et Abades,
Arzobispos, Doctores, Patriarcas, Potestades,
A muchos Clerigos nescios dábales dinidades,
Fasie de verdat mentiras, et de mentiras verdades.
Fasia muchos Clerigos è muchos ordenados,
Muchos monges è monjas, religiosos sagrados,
El dinero los daba por bien examinados,
A los probres desian, que non eran letrados. *

IZARN, a dominican monk, sung the praises of the Inquisition in verse. The following lines contain the burden of his song :—

As you declare you won't believe, 'tis fit that you should burn,
And as your fellows have been burnt, that you should blaze in turn ;
And as you've disobey'd the will of God and of St. Paul,
Which ne'er was found within your heart, nor pass'd your teeth at all,
The fire is lit, the pitch is hot, and ready is the stake,
That thro' these tortures, for your sins, your passage you may take.†

Besides the political writings we have just enumerated, which were chiefly on the side of innovation and change, there were others, in most of the countries of Europe, which discanted on the necessity and advantages of cultivating a conservative spirit, and endeavoured to prove that the existing forms of civil polity were the best that could be devised. These

* Sanchez's Collection of early Castilian Poems, tom. 4. p. 76. See also McCrie's Reformation in Spain, p. 58.

† Sismondi. Hist: of the Lit: of the South, vol. 1, p. 227.

writings may be divided into two kinds;—the one confined their range of inquiry to the ordinary illustrations of the abstract principles of natural and civil law. These assumed all forms; from the ponderous folio, to the student's manual for collegiate purposes. The other species of political literature were of a controversial cast, and were called into existence by the general desire of the civil and clerical authorities of the day, to repress the spirit of heresy and reformation, in whatever quarter they made their appearance. The great mass of these several productions is only now to be found in the cloisters of religious establishments, and in great libraries on the continent; chiefly in Spain, Italy, and France. The majority of them are still in the shape of manuscripts, or belong to that class of books committed to the press, soon after the art of printing was discovered, and are now considered merely objects of literary curiosity. All such productions had, however, but a slender hold, even in their own day, on the general mind of political communities; partly from their abstract and recondite nature, and partly from being opposed to all wholesome and rational changes in the civil gvoernment of states. These two causes drove them into holes and corners, never again to see the light of day, save through the instrumentality of some modern devotees to blackletter gems, or typrographical rarities.

We have already mentioned that the sacred scriptures had been, within the period of history we are now treating of, rendered into the popular languages of the people of Europe.* The general result of this

* Juan 1. of Aragon, in Spain, published an edict, in 1233, prohibiting the use of the Old and New Testaments in the vernacular tongue, and com

was not discernable for some time after this period. Limited, however, as the influence of this great movement must have been at first, still it powerfully awakened the curiosity and sympathies of the people; more deeply, indeed, than any profane writings could do. The translation of the Bible gave a weighty impulse and increased activity to mind and political reflexion, and penetrated the inert masses of ignorance and prejudice throughout the whole of the European continent. The shock was felt in every direction, and reverbrated from one kingdom to another with the force and rapidity of lightning. The abuses of centuries were laid bare to the eye of the world, and corruption and misrule toppled from their base. A knowledge of the Sacred book gave rise to a new class of political writers,—set apart by common consent, to inculcate certain doctrines,—to form a school—to promulgate a creed,—directed to a definite object, that of emancipating and elevating mankind. These writers concentrated their powers, and daily acquired wisdom in their use and direction. They mapped out the nations, and laboured incessantly among them, in diffusing their political and lofty philosophy of public right and expediency. Their views became continually more definite, compact, arranged, and complete; and the multitude were every way led to bow to their injunctions, and to acknowledge the potency of their

manding all, whether laity or clergy, to give up to the legal authorities whatever books they might have of this kind, that they might be publicly burnt. Alfonso X., of Castile, took, however, a different view of this matter. He caused the Bible to be translated into Castilian: and a copy of it, bearing the date of 1260, is still preserved in manuscript in the library of the Escurial. Other ancient versions of the sacred volume are to be found in the Catalonian, and Castilian dialects, in manuscript, in the public libraries of France and Spain.

influence. Mankind saw for the first time in their chequered history, a steady current of progression, the prevalence of general principles of action, and distinctly recognised a superintending and Divine mind, which guided and regulated the whole.

The general translation of the Bible proved a mighty engine in the hands of those who had never once directed their thoughts to political principles and measures. It had for ages been a sealed book; a thing seldom seen, and only spoken of in whispers and surmises. Now, however, its secret springs were touched, and its treasures revealed to all indiscriminately. It developed the political lessons of divine teachers. It gave a mind and heart to the body politic. It imparted a unity of sentiment and feeling, not only among masses of men, but to the individual members of the domestic hearth and the rustic cottage. Controversies and discussions arose. They rested upon great and interesting questions,—questions indissolubly enterwoven with the loftiest powers and aspirations of the human intellect. The sacred truths sharpened the minds of men, even for the ordinary duties and struggles of life—and imparted to them an ever-living desire to aid in their propagation, illustration, and defence. Men saw their singular and admirable adaptation to all races, climes, communities, and conditions. The Bible proved great and potent in the wastes and wildernesses of the world, as well as in the palaces of kings and nobles, or in the study of the philosopher. It was this universal aptitude to the politieal wants of the world, that made it eagerly hailed as the sheet-anchor of all true patriots and reformers.

CHAPTER XX.

ON THE OLD CHRONICLES, AND STATISTICAL WRITERS, FROM THE CHRISTIAN ERA, TO THE YEAR 1400.

THE class of works included in this chapter, is an important one to the general and literary student of politics; inasmuch as he can, by this means, test abstract and speculative principles by facts and circumstances, and point out the several epochs or stages in the entire history of political literature itself. The chronicles and compilations of individual facts, were for many centuries the only materials or store-houses for both historians and politicians; and it is only in comparatively modern times that the minds of men have been carried beyond them, and have attempted, upon purely speculative grounds, to develope those leading principles of civil polity, on which all communities of mankind rest. Mere abstract principles of government, yield however, of themselves but little knowledge of a practical or available kind, unless they be supported and illustrated by a fair proportion of facts; and these can only be obtained through the medium of such works as are here enumerated.

It is not our intention, nor is it consistent with the plan of this work, to go into the general merits of these several treatises. We shall have done all

that is requisite, by merely naming them with a brief and passing remark or two, on the peculiar character and value of some of them. There are very few that will not yield some interesting and valuable information; or fail to prove of service in illustrating some one or other of the general maxims or primary truths of political science.

The ancient historians of all countries only present their readers with a series of facts and events, in the form of chronicles, with which there is mixed up neither abstract reasoning, nor any attempts at instructive application. Such productions were not written for, nor intended to act upon, any thing that we now call *public opinion.* They were not considered as pregnant with any vital portion of useful instruction, but were held merely in the light of antiquarian researches, and matters of taste and curiosity. As nations, however, make advances in social and political science, the minds of politicians naturally fall back upon antiquity, chiefly with a view of verifying their general speculative conclusions, by illustrations and arguments drawn from the uniformity of national affairs, and the every-day displays of human passions, pursuits, and desires. Every phase, therefore, of ancient communities, is more or less interesting to the candid and effective investigation of truth. It is chiefly by contemplations upon the past, that the understanding can be guided and invigorated, and thoroughly instructed on important questions of laws and government. It has justly been observed, "He who studies history as he would philosophy, will distinguish and collect certain general principles, and rules of life and conduct, which must always be true; because

they are conformable to the invariable nature of things; and by doing so, he will soon form to himself a system of ethics and politics, on the surest foundations, on the trial of these principles and rules in all ages, and on the confirmation of them by universal experience."

Statistics proper,—distinguished from Chronicles, the mere relation of social and political events—constitute one of the many important branches of modern economical science. But up to the period we are now treating of, they were comparatively unknown. They were not considered by any writers on the general subject of governmental polity, as an essential ingredient of it, and necessary to its full and effective development. A certain degree, however, of statistical information, must have been coeval with all forms of government even of the rudest kind; for legislators could not make laws and social regulations, without having acquired the means of forming a judgment, however faulty, as to the matters brought under their consideration. Still, however, speaking generally, we are warranted in maintaining, that whatever documents of a statistical character there were, before the end of the fourteenth century, relative to population, revenue, trade, commerce, agriculture, and manufactures; and on the moral, social, and physical condition of the mass of the people of Europe, were things merely incidentally treated of, without any direct reference to the elucidation of purely abstract principles or theories of government.

Statistics are considered, by many able political reasoners of modern times, as strikingly illustrative of the benefit derived from the Baconican method of

investigation, in acquiring and treating of political science, as an entire system. As the astronomer deduces his laws, which regulate the solar system, from careful and patient surveys of the heavenly phenomena; so, in like manner, the political philosopher watches the progress of society, under all its various aspects, of prosperity and decay, of happiness and misery, and under all the chequered phases which mark the progress of great communities. No purely *a priori* reasonings, it is contended, can expound the entire economy of human society and government. We must have facts to guide us through the intricate labyrinths of speculation, and to impart validity to our general maxims and principles. Merely abstract dissertations, however ingenious and amusing on human affairs, carry no solid conviction to the understanding.

On the other hand, it is affirmed, that statistical knowledge may lead to partial and one-sided views of general polity, injurious to a state, and subversive of the happiness of its people. Mere statistics are often susceptible of a double interpretation; and they always require to be accurately verified, and likewise to be placed in juxta-position with statements, principles, and facts of a different order and complexion. These requirements are not always to be found among political writers, and heated partizans, and hence we often find, that very opposite theories of general government are zealously maintained, by a formidable array of statistical details on each side. Mere analysis—a mere collection of facts—will lead a politician into as many and great errors, as the most fanatical and desperate love of system will do. There must

be a medium course steered, for all useful legislative purposes, between the simply practical, and the abstract or theoretical. This has been the path which all solid political wisdom has chalked out for itself, from the earliest records of time, to the present hour.

It may be mentioned, simply for the purpose of methodical connection, that the Grecian statistics are very deficient, and little to be relied on. Every thing in Greece centered on war. If, for example, the male population should be enumerated, it is solely for the purpose of supplying the army; and, in like manner, if inquiries be instituted as to the amount of the general wealth of the community, it is only with a view to rapine or plunder. There are only a few scanty hints, here and there, among the political and historical writers of Greece, that throw any light on the great and leading branches of social statistics.

The same remarks may be applied to the Roman Empire. Pliny gives a list of articles of what were then called luxuries, imported into Rome, and makes some statements relative to the trade with India and Arabia. He likewise alludes to the subject of Exchanges, and the drain of the precious metals. Gibbon, the historian, in many parts of his work, laments the great dearth of ancient statistical information. He says, in one place, "History has never perhaps suffered a greater, or more irreparable injury, than in the loss of the Curious Register, bequeathed by Augustus to the Senate, in which that experienced prince so accurately balanced the revenues and expenses of the Roman Empire."

We beg to premise, that many of the Chronicles and Histories here enumerated, were written after

the period to which this chapter is limited, and also relate to matters and events both prior, as well as subsequent to, the same date. But this circumstance can present to the reader no practical difficulty or inconvenience. The most essential thing for a political student or writer is, to know what was the real state of society at any given epoch, in order that he may be enabled to test his speculative conclusions on the nature and value of those abstract treatises on general national polity, which come within the range of the epoch in question. And it is only from carefully consulting works of this description that he can, in some measure, be placed in such a position as to accomplish this desirable end.

We would wish to say another word by way of explanation. We have not thought it of sufficient consequence, to insert all the old Chronicles which refer to matters comprehended within the period of history here mentioned, such as chiefly relate to geographical, chronological, or antiquarian studies. Our main object has been to point out, not with any degree of fractional nicety, such documents as tend to throw light upon the progress of political speculation generally; and with this view we have confined ourselves to such a list of Chronicles, histories, and public records, as are more or less fitted to accomplish this design. An indiscriminate enumeration of all such works, would have proved an incumbrance, instead of a benefit to the ordinary portion of political students, besides drawing too liberally on the space allotted to the consideration of this subject.

In referring to the Chronicles and historical writings connected with Great Britain, we may mention that

Gildas, surnamed the *Wise*, is about the earliest on record. He flourished in the sixth century. He wrote his book called *De Excidio Britanniæ*, during his residence in France. His treatise contains a good deal of useful and curious information, but much of the historical part is of such a character, that some recent writers have called in question its authenticity.

The *Venerable Bede*, as he is called, was a native of Jarrow, in the County of Durham, and wrote his Ecclesiastical History, and other works, in the seventh century. Bede has always maintained a high character as an able and truthful historian. His ecclesiastical treatise contains many interesting particulars of the civil and military history of the early Britons and Saxons.

Nennius, a monk who lived in the ninth century, is the author of a work, called *Historia Britonum*, which is worthy of consulting.

The most ancient Saxon history is the *Saxon Chronicle*, the compilers of which are unknown. It was first printed by Abraham Wheelock, at the end of his edition of Bede's history. The Chronicle must have been the work of several hands; for some copies terminate in the year 977, and others not before 1154,

Asser, bishop of St. David's, or as he is called in Latin books *Asserius Menevensis*, was one of the most learned men of his time, and friend and tutor to Alfred the Great, whose life he wrote to the Prince's forty-fifth year. Asser's "Annals" or Historical Chronicle, published on the authority of Dr. Gale, the well-known antiquarian, enjoys a high reputation among many writers of learning and note.

Richard Verstegan, a native of London, but of

Dutch parents, was the author of "A Restitution of Decayed intelligence in Antiquities concerning the most Noble and Renowned English Nation." The author resided at Antwerp, and died in 1635. His work is considered of unquestionable authority. Its errors have been corrected by Mr. Sheringham, in his "Treatise on the Origin of the English Nation." Both works are valuable for Saxon Antiquities.

Doomsday Book. This celebrated historical relic embodies a survey of all the lands of the kingdom; their extent in each district, their proprietors, tenures, value; the quantity of meadow, pasture, wood, and arable land which they contained; and in some counties the number of tenants and cottages. William the Conqueror, appointed commissioners, who entered every particular in the register, by the verdict of juries; and after a labour of six years, brought him an exact account of all the landed property of his kingdom, that is the whole of England, exclusive of the counties of Cumberland, Westmoreland, and Northumberland. This survey was finished in the year 1086.

Jeffrey, of Monmouth, is the earliest writer of ancient British History after the Conquest. His statements, have, however, given rise to great differences of opinion among antiquarians and historians. Polydore Vergil and Buchanan have considered the entire history of Jeffrey to be a forgery; while its authenticity has been vindicated by Usher, Leland, Rice, and others. The best edition of this work in Latin, is that of 1587; and there is an English translation, bearing the date of 1718.

Caradocus, a Welsh Monk, is the author of "The

Chronicles of Wales." He was contemporary with Jeffrey of Monmouth. There are several manuscript copies of the work in existence, which carry down historical details to the year 1156, being the year in which the author died. There is another copy which brings down the history to the year 1280.

INGULPHUS was Abbot of Croyland, to which situation he was appointed by William the Conqueror. The abbot's history commences with the year 664, and is carried down to 1091. The work is interspersed with many interesting particulars respecting the English kings.

There is a work called the *Chronicle of Chronicles*, written by FLORENTIUS BRAVONIUS, a monk of Worcester. This author flourished about the beginning of the twelfth century, and his Chronicle terminates in the year of his death, 1163. About the same period MARIANUS, a native of Scotland, compiled an historical document, which has been always held in high estimation. It extends from the birth of our Saviour, to the year 1083, and it was afterwards continued to 1200, by DODECHIN, abbot of St. Dissibode in the diocese of Treves.

In the same century we have the historian EADMERUS, who wrote an account of William I. and II., and Henry I. in six books. This treatise was partly published in 1613, by the celebrated Selden. ALDREDUS was contemporary with this author, and wrote a history from Brutus, to the reign of Henry 1. Aldredus has been called the English Florus, from the elegant conciseness of his style.

WILLIAM OF MALMSBURY, is one of our most popular ancient historians. He gives us a pretty full account

of our Saxon Kings and Bishops before the conquest, and after it, concluding with King Stephen. William has been a great favourite with most of our modern historical writers. Contemporary with him, we have SIMEON of Durham, who writes a continuation of Bede's history to the year 1130. HENRY, Archdeacon of Huntingdon, who flourished in the twelfth century, compiled a history of England, which has attracted a good deal of notice in modern times. WILLIAM OF NEWBERRY gives us a historical sketch from the death of Henry I. to the year 1197. We have only some mutilated remains of the histories of *Gervase of Tilbury*, an English writer, who seems to have stood high in the estimation of the learned men of his day.

ROGER DE HOVEDEN is one of the chief historians of the thirteenth century. He wrote a Chronicle of England from Bede's time, down to the fourth year of King John. Sir Henry Saville published the work in 1601. MATHEW PARIS stands equally high with Hoveden in the estimation of modern critics. Mathew was a Benedictine Monk of St. Alban's, and one of the most eminent men in his day. "In point of learning, industry, and candour, he outstripped all his contemporaries. The vigour of his mind, great for the age in which he lived, could not exceed the courage with which he told unwelcome truths." His history is divided into two parts; the first commences with the Creation of the World and terminates with William the Conqueror; and the second extends from William's reign to the year 1250. About this period we have Layamon, one of the *rhyming* chroniclers, whose work is curious, and not devoid of interest.

NICHOLAS TRIVET, and ROGER CESTRENSIS, wrote

each histories of the eleventh, twelfth, and thirteenth centuries; and THOMAS WIKES, an Augustine Canon of Osney, Oxfordshire, is the author of a history, commencing with William the Conqueror, and comes down to the year 1306. About the same period one JOHN BROMPTON flourished, who has left us a chronicle bearing his name, which has been often highly spoken of by recent authors. It begins at the year 588, when Augustine, the monk, arrived in England, and ends in the year 1198. The Chronicle of WALTER HEMINGFORD furnishes some particulars of the reign of Edward III. The Polychronicon of RALPH HIGDEN, a monk of Chester, is considered a mere compilation from previous works of the same character.

JOHN, vicar of Tinmouth, and MATHEW of Westminster, have enjoyed considerable reputation as useful and zealous collectors of historical matters. HENRY KNIGHTON, canon of Leicester, commences his history with Edgar, and ends at the death of Richard II. THOMAS WALSINGHAM is the author of a short account of Henry the Third's reign; and William Caxton, the first who introduced the art of printing into England, has left us his *Fructus Temporum*, which commences with the first inhabitants of Britain, and ends in the year 1483.

After the art of printing was discovered, ancient records and historical works considerably multiplied. *Robert Fabian*, a merchant of London, wrote his "Chronicle of England and France." This work commences with Brutus, and terminates in the year 1504. He gives a very full account of London, and the general matter of his chronicle is considered highly valuable. POLYDORE VERGIL, was a native of Urbino,

in Italy, an ecclesiastic of note, and an author of a "History of England." RALPH HOLINGSHED's "Chronicle" is voluminous, and of deservedly high reputation. He was assisted in his labours by William Harrison, Richard Stainhurst, and others. The Chronicles of JOHN STOW, JOHN SPEED, and SIR RICHARD BAKER, are exceedingly interesting and valuable, both to the general historian and politician. There are "Chroniques D'Angleterre," by J. de Waurm, in two volumes folio, forming the MSS. No. 547 and 548, in the *Bibliotheque du Roi*, Paris. This work is but little known in England. These Chronicles extend from the year 1339, till 1471. All the leading political incidents of the times are treated of with great accuracy, both as to matter and arrangement.

The work of Sir Frederick Morton Eden, entitled, "The State of the Poor; or a History of the Labouring Classes in England, from the Conquest to the present time," is well entitled to the attention of politicians. It is full of most important matter; and its tables and general statements, are correct, and grounded upon the most conclusive evidence. The work is carried down to about the year 1780. The author was a Director of the Globe Insurance Company, and died in 1809.

The works of Joseph Strutt, entitled "the Regal and Ecclesiastical Antiquities of England," and "Complete view of the Dresses and Habits of the People of England," are worthy of attention.

There are a great number of other more modern chronicles and histories of England, which we cannot at present enumerate, but which abound with useful and interesting information, both on the ancient laws,

and general government of Britain. To these works, which can be readily known and obtained, we must refer such readers as require a fuller and more minute knowledge of the subject.

The histories, chronicles, and statistics of France, relative to its ancient settlement and civilization, are highly interesting to political writers. The first work of any note is that of GREGORY OF TOURS. It holds an important position among the early records of the kingdom. The author was Bishop of Tours, and died in the year 593, at the comparatively early age of 54, after having filled his bishoprick for the space of twenty years. His "Histoire Ecclesiastique des Francs," is divided into ten books. The first contains an essay on ancient and universal history, in which may be found some very interesting accounts of the early establishment of the Christian system among the Gauls. This book brings down historical events to the death of St. Martin of Tours, in the year 397. The second book extends from the death of St. Martin, to Clovis I., or to the year 511. The third from the death of this king to the crowning of Theodebert of Austrasia, in 547. The fourth division embraces the period from the death of Theodebert, to that of Sigebert I., king of Austrasia, which took place in 575. The fifth book comprehends the first five years of the reign of Childebert II., the prince of Austrasia. The sixth, seventh, and eighth books contain matters connected with the reign and death of Chilperic, (584) and an account of a journey undertaken by his successor to the city of Orleans, in the month of July, 585; and terminate with the death of Leuvigild, king of Spain, in 586. The ninth book embraces other two years of historical

events; and the tenth, and last, ends with the death of St. Yrieix, Abbé of Limousin, in the month of August, 591.

The general politician will find many important statements and facts in this history of Gregory of Tours. It is almost the only work worth consulting on the Merovingian race of kings.*

The chief French Chronicles of the thirteenth century, are Histoire de la Morée sous le Français de 1204 á 1318—MUNTANER Histoire des Catalans, de 1206 á 1322—Chronique de D'ESCLOT, en 12.—In the fourteenth century we have Chronique de JEAN BOUCIQUANT—Chroniqué de DUGUESCLIN—D'ORONVILLE: Chronique de Louis de Bourbon— DE PISAN: Vie de Charles V.—JUVENAL DES URSINS: Chronique de Charles VI.—*De Rochefort*, and DE GAIAN: Chroniques—DEL VERMS: Chronique.

We have in the fifteenth century, the "Chronicles" of Froissart, a native of Valenciennes, and a very learned man. He treats of the affairs of France, England, and Spain, from the year 1326 to 1400. He displays great industry in collecting, and a scrupulous attention to the admission of his facts.

The following works are also worthy of attention, in the political history of France, up to the fourteenth century. Annals of D'Eginhard;—his Life of Charlemagne—Exploits and Deeds of Charlemagne, by a monk of Saint Gall—Life of Louis Debonnaire, by Thegan—History of the family dissentions among

* There are two dissertations on the Life and Writings of Gregory of Tours; one contained in the 3rd volume of the *Histoire Litteraire de la France*, by the Benedictines; and the other inserted in the 26th volume of the *Collection des Mémoires de l'Academie des Inscriptions.*

the sons of Louis Debonnaire, by Nithard—Annals of Saint Bertin, and De Metz—Frodoad's History of the Cathedral of Rheims—Chronicle of Frodoard—Chronicle of Raoul Glaber—Chronicle of Huges de Fleury—History of the Monastery of Vezelai, by Huges de Poitiers—Life of Louis the Fat, by Segur—Life of Charles the Good, by Galbert—History of the Crusades, by Guibert de Nogent—Life of St. Bernard—Life of Phillip Augustus, by Rigord—Life of Louis VIII.—Chronicle of William of Naugis—History of the War with the Albigenses—Chronicle of William of Puy-Laurens—Exploits illustrative of the French nation, from the year 1200, to 1311—History of the Crusades, by William of Tyre—Memoirs of Robert the Monk—History of the Crusades, by William de Chartres—Life of William the Conqueror, by William of Poitiers. We may here apprize the reader, that all these works, and others not named, may be found in the Collection of Memoirs, relative to the History of France, from the foundation of the Monarchy to the thirteenth century, by M. Guizot, in thirty-one volumes, Paris, 1846.

The earliest written work on the customary laws of France, relative to feudal tenures, is that of Beam, which was confirmed by that of Viscount Gaston, in 1088. Next to this work, is the compilation of Beaumanoir, under Phillip III. which contains a great mass of curious information on feudal legislation. It was in the reign of Charles IX. that the most full and complete compilation was made on this subject.

The great historical work, relative to the public affairs and institutions of France, called *Ordonnances des Rois*, in twenty-two volumes folio, is of inestimable

value to the general politician. These Ordinances commence at the year 1051, and terminate at 1497.

The old Chronicles of France are justly held in peculiar estimation, both on account of the information they contain, and the style and arrangement in which that information is conveyed. And the same remark is applicable to the general current of French histories. These have been so greatly multiplied in modern times, and so much industry and talent brought to bear upon them, that no political student can be at a loss for any information he may require on the general and civil polity of this portion of the European continent. It would, therefore, be an unnecessary task to pursue this branch of our subject further at the present moment.

The Chronicles and historical sketches of Spain and Portugal, are very numerous, but the great mass of them are more of a municipal, than of a national character. Still they are of importance to the philosophical politician. They may be readily found in all the ordinary emporiums of Spanish literature.

Italy likewise abounds with similar productions. Every thing connected with the early history of the Italian republican cities, and with the struggles of the Church, can be easily obtained. The general histories of this country, are highly interesting, and illustrative of many important epochs of political literature. Recordano Malaspini wrote a "History of Florence in 1281." Dino Campagni was the author of a "Chronicle," extending from 1280 to the year 1312. Giovanni Villani wrote a "History of Florence," from its origin to 1348. It was continued by his two

brothers to 1364. Andrea Dandolo's "History" embraces from 1307 to 1354.

One of the most valuable productions, in connexion with the doctrine of Theological authority, is the collection of *Papal Bulls*. These are published in eleven folio volumes, commencing with the pontificate of Leo the Great, to that of Benedict XIV.; that is from the year 461, to 1757.

There are many important and highly curious historical records of the early affairs of Holland and French-Flanders. The history of several of the Flemish cities is preserved with great minuteness and accuracy. We have an historical work written in the twelfth century, by Gaulbert, a notary of Bruges, who was an eye witness of, and a participator in the scenes and events which he relates. His treatise is very interesting upon the affairs of the communes or corporations of 'Ypres, Bruges, and Gand, from the eleventh to the twelfth century. He gives a vivid and faithful account of the domestic and social manners of the people, and of the extent and limits of civil and political liberty they at that period enjoyed.

We have in this work a striking instance of the degree of political power which the people enjoyed, in that famous declaration, respecting the election of a Count of Flanders, directed to the King of France, who claimed the right of election. The men of Ghent publicly assembled, sent the following message to the French Ambassadors; "Go and tell your master that he is perjured; that William of Normandy, his creature, has rendered himself unworthy to be a Count of Flanders, from his fiscal extortions, and want of

good faith; and that we shall choose a Count ourselves. It is not for a king of France to find fault with this our determination, because it is only to us, the people and nobles of Flanders, to whom appertains the power of choosing our governors."

We learn from this ancient history, that a common bond of political relationship existed among all the provinces of the Netherlands, and for the mass of the people, a system of equal laws and privileges Every thing was rendered conducive to the security of commerce, and the enjoyment of peace. A uniform and enlightened government rendered every civil association of men, a useful instrument for the attainment of liberty and the protection from oppression. The following is the form of the oath taken on the appointment of a Count:—

"I ——— swear to elect for Count of this country he who shall appear to be best qualified to govern the domains of the Counts his predecessors, and sustain his rights against the enemies of the country. Mild and benevolent towards the poor, religious, walking in the path of justice and right; a man, in fact, who shall be able and willing to make himself generally useful to the state."

Van Maerland, who flourished about the beginning of the thirteenth century, was the author of two works called "Rymbybel," and "Spiegel Historical," written in verse, which contain an immense mass of general information respecting the people of his own country and age, both in their social and political relations.

Jean D'Oultremeuse, flourished about 1350, and was a native of Liege. He is the author of two works,

of a statistical or chronological character, written in verse. Although the poetry may be considered indifferent, yet the statements of national and contemporaneous events are faithfully given.

NICOLOS DE KLERK composed a rhyming chronicle, (1360,) of two thousand verses, on the expedition of Edward III., of England, into Flanders, commencing with his landing at Antwerp, until his return to his own country. This work has been published in Paris, (1841) with notes, by M. Octave Delepierre.

The *Chroniques des Flanders* of this century is likewise an interesting work.

There are other Chronicles of Belgium, of the early part of the thirteenth century, (1223) which give lively and interesting accounts of the sentiments of the people on political affairs. The power of Philip, King of France, was openly assailed by many of the Working men of Bruges, then a city of great trade, wealth, and public spirit. This anti-Gaulic feeling was guided in its chief movements by Pierre de Coninck, senior of the wool-workers, whose various adventures and political agitations, are recorded in the Chronicles of the day.

The following work is of inestimable value to the scientific politician, who wishes to be acquainted with the internal affairs of the German States, at the early periods of their history.

Monumenta Germaniae Historica inde ab anno Christi C, usque ad annum MC. auspiciis societatis aperiendis fontibus rerum germanicarum medii aeve edidit Dr. *G. H. Pertz.* Vols. I to X. (containing: Scriptores Vols. I. II. V to X. Leges vols. III. IV. Imp. Folio. (52 folio plates of facsimiles)

The first two volumes of the Scriptores contain the Carolingian historians of the 8th and 9th centuries particularly the numerous old minor Annals, also the Annals of Lorsch, Xanten, Fulda, those by Einhard, Bishop Prudentius, Archbishop Hincmar, the Chronicle of Regino, the Casus Sancti Galli, the lives of St. Boniface, Charlemagne, Louis the pious, St. Ansgar and other ecclesiastics,—the works of Nithard, Abbo, and others.—The third and fourth volumes embrace besides the Longobardo-Beneventan, and some other Italian records, the writers of the period of the Saxon Emperors, the Annals of Corvey, Quedlinburg, Hildesheim, Einsiedel, Augsburg, and Liege; the writings of Liudprand, Flodvard, Widukind, Richer and Thietmar; the Chronicles of Folcuin and of Ademar; the writings of Agius, Hrotsuitha, Alpert; the lives of Berengar, Queen Mathildis, Empress Adalheid, Henry II. and Kunigunda, the Archbishops Bruno and Heribert of Cologne, Duke Wenzel of Bohemia, Bishops of Oudalrich of Augsburg, the Gueph Counrad of Constance, Deoderich and Adalbert of Metz, Gerard of Tull, Wolfgang, of Ratisbon, Adalbert of Prague, Balderich of Liege, Bernward of Hildesheim, and many others. — The 3rd and 6th vol. contain the writings of the Salic period, among numerous others the Annals of Ottobeuren, Bamberg, Schaffhausen, Gengenbach, Treves, St. Amand, Ghent, Vormezeele, Dijon, Bari and those by Lupus Protospatarius, the Chronicles of Hermann, Lambert, Berthold, Bruno (de bello Saxonico) Bernold, Marianus, Ekkehard, Sigebert, and the Saxon Annalists.—The 7th volume contains Johannis diaconi chronicon Venetum et Gradense; ex Rodulphi Glabri historiarum libris V.;

chronicon Novaliciense; Herigeri et Anselmi gesta episcoporum Tungrensium Traiectensium et Leodiensium; ex chronico S. Benigni Divionensis; Gundechari liber pontificalis Eichstetensis cum continuationibus; Anonymus Haserensis de Episcopis Eichstetentibus; Adami gesta Hammaberginsis ecclesiae pontificum; chronicon breve Bremense; gesta episcoporum Cameracensium; chronicon S. Andreae castri Cameracesii; Leonis Marsicani et Petri diaconi chronica monasterii Casinensis; chronicon episcoporum Hildesheimensium cum continuationibus.—The 8th volume contains: Arnulfi gesta archiepp. Mediolanensium; Landulfi historia Mediolanensis; catalogus archiepp. Mediolanensium; gesta Treverorum cum pestis Godefridi et Alberonis archiepp.; Ruperti chronica S. Laurentii Leodiensis; Chronicon Hugonis, abbatis Flaviniacensis; vita Wieberti et gasta abbatum Gemblacensium auctoribus Sigeberto et Godescalo Gemblacensibus; chronicon S. Huberti Adaginensis; gesta episcoporum Tullensium.

The first volume of the Leges contains all the Capitularia of the Merovingians and the German, Italian, and French Carolingians; the second, the Laws of the Empire, treatises of peace and Acts of the Germanic Diet up to the year 1313.

The early Chronicles and historical records of the more northern parts of Europe—Norway, Sweden, and Denmark, are but scanty and little known, The *Icelandic Saga*, which dates about the sixth or seventh century, gives some useful information on the geography, and forms of government of Norway. The *Hervarar Saga* was written in the eighth century, and it likewise relates to Norwegian affairs. *Snorre*

Sturleson was a most able and distinguished historian, and wrote the history, *Herald Harfragre*, about the year 1213. Sweden was little better than a wilderness till after the eighth century. Several facts relative to the forms of the early government, may be found in the Saxon and German Chronicles. The Danish Chronicle called the *Knytlinga Saga* is the most ancient and important record of its early public affairs. It dates from about the eighth century.

As the main object of all political literature is, to promote a sound knowledge of our social relations, and, consequently, to extend our happiness, a somewhat natural question suggests itself, at this stage of our journey, what was the real political condition of the people of Europe, during those ages, embraced within the period of history we are now treating of, when the knowledge of general polity, as an instrument of popular instruction, was at such a low ebb? or, in other words, when mankind knew so little of the theory of politics, either from books or oral teaching, to what extent did this ignorance affect their social comforts or position in life? This, it must be admitted, is an easier question to ask, than to answer. The numerous and eager inquiries which have, in modern times, been instituted on the subject, and the diversified—nay, antagonistic conclusions which have resulted from them, offer decisive proof of the inherent difficulties of this general question. It is obvious, however, that the only answers which can be given to it, must be the result of carefully consulting such works, imperfect though they be, of which this chapter professes to treat. It is only by sedulously looking through them, collecting individual

facts, and drawing fair and rational inferences from them, that we can possibly arrive at any thing like accurate notions on the subject. Nay—it is scarcely pardonable to say that *accurate* notions can be obtained under any circumstances; because the entire mass of materials which the understanding has here to deal with, is so variable, shifting, and imperfectly developed, that little more than a series of *guesses*, more or less probable, can be the natural result of the most careful and truth-seeking labours on the matter.

Questions as to the relative degrees of happiness and social comfort of different ages, are invariably viewed in an oblique and one-sided manner; chiefly from the varied points of contemplation from which politicians take their departure. If a writer be deeply enamoured with the refinements and advances of his own times, he will look upon the rudeness and simplicity of by-gone days, with strong distaste and aversion. Others move upon the opposite tact. They consider every improvement or alteration, an evil, by making unfavourable inroads on that pure and unsophisticated enjoyment of life, in which they conceive, consists that Arcadian happiness—the perfection of all political wisdom and philosophy. They love to dwell upon the past; and their lively imaginations are for ever instituting comparisons between the "good olden," and the "flashy" modern times, and always to the disadvantage of the latter. These prejudices, more or less indulged in by all men, are the principal obstacles laying in the way of forming a sound judgment between one stage or epoch of history, and another.

What are commonly denominated the manners and

customs of nations, undergo great changes, and it seldom happens that the politician can draw any general and valuable conclusions from them, as to their real bearings on questions of social happiness, prosperity, and wealth. These manners and customs are of themselves, of too fleeting and changeable a nature, to be much relied on as supports of abstract principles of polity. But faithful and accurate statements as to the mode of life of various classes of a nation, are not without their use, in guiding the judgment on the ordinary currents of public affairs. But in recent times, philosophical inquirers have in some measure changed their ground, when aiming at the formation of estimates, as to the condition of the mass of the people in ancient times, by fixing attention on the circulating medium of different countries, at different periods of their history, and contrasting or comparing their conclusions on this matter, with the prices of ordinary labour and handicraft work. Such writers assume, that food, shelter, and raiment, are the great staples of human wants in all ages; and if a pretty accurate idea could be obtained of the quantity of money in circulation, at given times of history, we should be able to form more sound and correct opinions on the relative value between the wages of labour, the prices of, and the chief commodities which constitute the staples of social existence. Some interesting speculations and conclusions on the internal history of nations, have resulted from carefully instituted inquiries, founded upon this mode of proceeding.

The money affairs of most civilized nations have in recent times, engrossed a considerable share of

attention, and their connection, whether real or supposed, with the progressive movements of the body politic, have been pretty generally insisted on. There are but few materials for throwing any steady light upon the state of money matters, prior to the end of the fourteeth century, a period now under consideration. Such statements, facts, and opinions, as are serviceable for this purpose, are scanty in number, and widely scattered over chronicles and old histories, and are, moreover, but very imperfectly authenticated. It may, however, prove of use to throw a cursory glance over them. To enter fully into the subject, is beyond our limits—What we shall state, is merely to give something like a birds-eye view of some modern speculations on the subject; so that when the reader comes down to the period of history, when monetary theories and discussions assume a prominent position in political literature, he will not be altogether devoid of a knowledge of what has previously been advanced on the same subject, connected with the dark and middle ages of European civilization.

We find the use of the precious metals coeval with human society in all its civilized forms. The Scriptures abound with the earliest notices of them. Abraham had not only flocks and herds, male and female slaves, camels and asses, but likewise silver and gold. He purchased a burial place for four hundred shekels of silver. Jacob was largely provided with gold and silver; and when he had to send down to Egypt to purchase corn, the precious metals were the medium of communicaaion and commerce. After the Exodus of the Israelites from Egypt, with Moses at their head, we find that the gold earings of

the females were sufficient to form the *Golden calf;* and that the contributions levied upon the male part of the community, for ornamenting the temporary tabernacles in the wilderness, amounted to twenty-nine talents, and seven hundred and thirty shekels of *gold;* and one hundred talents, and one thousand seven hundred and seventy-five shekels of *silver:* a sum equal in our money to two hundred thousand pounds.

In the wars and conflicts which the Jews had with the nations that lay between the desert and the land of Canaan, they were very careful in preserving the gold and silver found among their heathen opponents. At Jericho, the precious metals were deposited in the public treasury. When Gideon defeated the Midianites, we find that he collected the earings of the conquered, which amounted in value, to nearly five thousand pounds of our money. Whilst the people were under the government of the judges, the national stock of gold and silver considerably increased; as well as during the reigns of Saul and David. We find frequent mention made in the book of Kings of the gold of Ophir, a large amount of which was procured by Solomon for ornamenting the interior of the Temple at Jerusalem. It is said that "he overlaid the house within, with pure gold, and made a partition by the chains of gold before the oracle, and he overlaid the oracle with gold; and the whole house he overlaid with gold, till he had furnished the whole house; also the whole altar that was by the oracle he overlaid with gold."

It is impossible to judge, with any degree of plausibility of the amount of the precious metals among the

Grecian States. The statements of Herodotus, and other Greek writers, concerning the amount of gold and silver possessed by some individuals, are mixed up with so many improbable circumstances, that no conclusions can be fairly drawn from them. Crœsus, King of Lydia, is represented as having a million and a half of our money. The same haziness hangs over the Roman monetary statistics. The vast conquests of the Roman people tended to draw into the public coffers great quantities of gold and silver, from all parts of the world. Plutarch tells us, that Seneca, the philosopher, died leaving two millions and a half sterling; and that the Emperor, Augustus, obtained by testimentary grants from his relations, the enormous sum of thirty-two millions of pounds of our money. It is said that silver was first coined in Rome in the year B.C. 266; and that it was 62 years after this before gold was coined in the same city.

The successful interprises of the Roman nation against other countries, continuing for many centuries with unabated ardour, had the natural tendency to draw increased wealth into its public coffers. The amount of taxes collected annually from the various provinces, at the time of Augustus, amounted, according to Gibbon, from fifteen to twenty million of our money. These taxes were a species of customs and excise; the former varying in value from ten to twelve per cent. upon imported goods from foreign countries; and the latter was an impost upon all sales of property, whether by auction or at public markets. Augustus also added to these a tax upon legacies and inheritances.

In the reign of Augustus, the Roman nation is sup-

posed to have been at the height of its prosperity and grandour. His own private riches received in the shape of legacies from friends, as just noticed, were immense; amounting, according to Suetonius, to nearly thirty-three millions of our money. His public revenues were also very considerable. From want of proper statistical documents, there is only conjecture to guide the politician in his inquiries on this subject. Some writers make the amount of Augustus' public income forty millions per annum of our money; upon the supposition, however, that the Roman pound weight was equal to the English troy pound of twelve ounces, and each ounce of silver worth five shillings; by this means making the Roman pound of silver equal to three pounds of our present money.

Perhaps this estimate will not be considered too high when the extensive range of territory is taken into account, from whence this great impost was derived. Augustus drew vast treasures from Gaul. Spain, also, was laid under contribution; and the revenues locked up in the cities of Saragossa and Merida. Egypt, Carthage, and other parts of Africa, contributed to fill the coffers of the Roman treasury. The territories of Asia Minor, Armenia, Syria, Judea, Misapotamia, and Media, were placed under tribute; and these being countries naturally abounding with all the materials which constitute real national wealth, were, in point of revenue, the most lucrative of the dependent states of Rome. Gibbon gives us a vivid description of these Asiatic provinces, previous to the foundation of Byzantium by Constantine. "The provinces of the east," says he, "present the contrast of Roman magnificence with Turkish barbarism. The

ruins of antiquity scattered over uncultivated fields, and ascribed by ignorance to the power of magic, scarcely afford a shelter to the oppressed peasant or wandering Arab. Under the reign of the Cæsars the proper Asia alone contained five hundred populous cities, enriched with all the gifts of nature and adorned with all the refinements of art. Eleven cities of Asia had once disputed the honour of dedicating a temple to Tiberious, and their respective merits were examined by the Senate. Four of them were immediately rejected as unequal to the burden; and among these was Laodicea, whose splendour is still displayed in its ruins. Laodicea collected very considerable revenues from its flocks of sheep, celebrated for the fineness of their wool, and had received, a little before the contest, a legacy of above four hundred thousand pounds by the testament of a generous citizen. If such was the poverty of Laodicea, what must have been the wealth of those cities, whose claim appeared preferable, and particularly of Pergamus, of Smyrna, and Ephesus, who so long disputed with each other the titular primacy of Asia? The capitals of Syria and Egypt held a still superior rank in the empire. Antioch and Alexandria looked down with disdain on a crowd of dependant cities, and yielded with reluctance to the Majesty of Rome itself."

Besides these fruitful provinces in the East, we must also include those of Greece, Illyricum, Dacia, and Pannonia, from each of which considerable tribute was exacted. And if we look at Italy, itself, containing within its own proper boundaries, eleven hundred and ninety-seven cities, exclusive of the islands of the Mediterranean, and Archipelago, we cannot be sur-

prised at the great estimate of the annual imperial revenue, both in the reign of Augustus, and for three or four centuries after his time.

The quantity of gold and silver money in general circulation, in the reign of Augustus, has long been a subject of speculation and conjecture among political economists. Taking into consideration the great extent of territory comprehended under the Roman dynasty at this period, and the estimated annual income of the state, the amount of money in general use has been calculated at £358,000,000. This estimate is undoubtedly a high one; but, perhaps, it is as near an approximation to the truth, as the circumstances of the case will warrant.

In succeeding centuries the amount of this general circulating medium must have been considerably lessened; principally from two causes; namely, the diminution of the precious metals produced from the working of the mines, and the wear and tear of the gold and silver already in circulation.

For some considerable time before the accession of Augustus to imperial power, the mines had been taken from the management of private individuals, and placed under the controul and superintendence of officers of state. This new arrangement had some advantages; but the severity and oppression which were inflicted upon the slaves who laboured in the mines, became gradually so onerous, that human nature revolted from the burden, and many fled to other countries to endeavour to better their hard lot. Most severe regulations were required to check this dissertion. In the mining districts one half of the inhabitants were only originally required to work in the mines;

but we find, from the Theodocian code, that, afterwards, all the children of these miners were commanded to devote their whole labour to this servile and exhausting occupation.

The productiveness of the mines was also greatly diminished by the gradual abolition of slavery throughout the Roman states. Many rich mining districts were entirely abandoned from the want of the requisite portion of manual labour. The supenintendence of the mines by public officers became also inefficient and careless. From these, and other causes, the mines of Spain were given up, and those of Illyria, Dalmatia, and Thrace, soon followed the same fate. The mining operations throughout the whole of the Roman Empire had entirely ceased, at the termination of the fifth century.

It may be considered worthy of remark here, that the reduction in the prices of commodities might have been greatly retarded by a practice which became very general after the time of Augustus, namely, that of debasing the coin. This was proceeded in to a vast extent. In the cabinet of medals in Paris, many may be seen only with a slight coating of silver over copper or brass. The coined money of Caracalla is found to be more than half of it base metal; and that of Alexander Severus contains two-thirds of copper; and the money of Gallien is only brass washed with silver.

A curious and important document has been made public by Mr. Banks, which contains a tariff of prices in the reign of the Emperor Diocletian, in the year 301; a period which immediately followed the great debasement of the standand. The whole document contains a catalogue of nearly four hundred articles,

with the prices at which they could be legally sold. The following is a selection.

Oil of the first quality,	per pint...	0	17	6
Oil of the second quality	do.....	0	10	6
Oil of Coleseed	do.....	0	3	6
Honey, the best	do.....	0	17	6
Ditto, second quality	do.....	0	8	0
Pork	per Italian lb.	0	10	6
Beef	do.....	0	7	0
Goats flesh, or mutton	do.....	0	7	0
A fattened cock Pheasant	per head	7	19	0
A wild cock Pheasant	do...	4	16	0
A fat Goose	do...	6	2	0
A Goose not fattened	do...	3	1	0
Wild Boars' flesh	per Roman lb.	0	8	9
Stags' flesh	do.....	0	6	7
Flesh of the Buck, Doe, or Roe	do.....	0	6	7
Butter	do.....	0	7	6
Sea-fish of the best quality, from deep water	per lb.	0	10	6
Second rate Fish	do...	0	7	6
Best River Fish	do...	0	5	3
Second rate River Fish	do...	0	3	9
Dry Cheese	do...	0	5	3
Artichokes of the larger sort,	five for	0	6	6
Lettuces, the best	five for	0	2	5
Ditto, second quality	ten for	0	2	5
Cauliflowers, the best	five for	0	2	5
Ditto, second rate	ten for	0	2	5
Green Onions, the best	twenty-five for	0	2	5
Ditto, second rate	fifty for	0	2	5
Cucumbers, the best	ten for	0	2	5
Ditto, second quality	twenty for	0	2	5
Melons, large	two for	0	2	5
Ditto, second rate	four for	0	2	5
Apples	forty for	0	2	5

Pomegranates, the largest	ten for	0	4	10
Ditto, the small	twenty for	0	4	10
A Citron of the largest size		0	16	0
One of a second rate		0	10	6
Dried Figs	twenty-five for	0	2	5
Plums from the Mountains of Damascus	eight for	0	2	5
Quinces	ten for	0	2	5
Ditto, second rate	twenty for	0	2	5
Agricultural Labourers	per day	0	15	10
Stone Masons	do...	1	11	8
Labourers of inside work in houses	do...	1	11	8
Work in Marble or Mosaic	do...	1	18	2
Wall Painter	do...	2	5	6
Figure Painter	do...	4	16	6
Shipwright in Sea Vessels	do...	1	18	2
Ditto in River Vessels	do...	1	11	8
The driver of a Mule, with food	do...	0	15	10
Brazier, for his work in brass	per lb.	0	5	3
Ditto, for his work in copper	do...	0	3	10
For a hooded Cloak	do...	0	13	2
For Breeches	do...	0	13	2
For Hose or Stockings	do...	0	2	5
For the Master appointed to teach letters, for each boy per month		1	11	8
For the Arithmetician, for each boy	do...	2	7	3
For the Greek and Latin Grammar for each pupil, do...		6	8	8
To the advocate or lawyer, for an application to court...		6	8	8
At hearing the cause		32	6	0
An Ox hide prepared for soling boots and shoes, and for making straps and harness		19	7	6
A Beaver's skin		3	4	4
A Leopard's or Lion's skin		32	6	0
The same made up		40	8	0
Boots, for Muleteers or Labourers, of the best kind, without nails		3	17	6
Military boots, without nails		3	4	6
Ditto for the Equestrian order		2	6	6
Women's Boots		1	19	0

Millet, whole	per English peck	1	12	0
Ditto, bruised	do.	3	4	0
Beans, whole	do.	1	18	6
Ditto, bruised	do.	3	4	0
Lentils	do.	3	4	9
Pease, whole	do.	1	18	6
Ditto, bruised	do.	3	4	0
Oats	do.	0	19	9
Old Wine of the best quality	per English pint	0	10	0
Ditto, of secondary quality	do.	0	6	8
Rustic Wine	do.	0	3	4
Beer, called *Camus*	do.	0	1	8
Egyptian Beer	do.	0	0	10

There are two historical events which have been cited as conclusive evidence, that a very great diminution had taken place in the amount of the precious metals, in the fourth and fifth centuries. When Alaric, the King of the Goths, made an irruption into Italy, and laid siege to the imperial city itself, he was induced to abandon the enterprise upon the immediate payment of five thousand pounds of gold, thirty thousand pounds of silver, four thousand robes of silk, three thousand pieces of scarlet cloth, and three thousand pounds weight of pepper. These amounted to the sum of two hundred and ninety thousand pounds of our money. This was a very insignificant sum compared with the former riches and splendour of the mistress of the world.

The next circumstance indicative of decreasing capital, is that which relates to Attila, the leader of the Huns. He appeared before Constantinople, and Theodosius the Emperor, had to crave his clemency upon very humiliating conditions. Mr. Gibbon says, "the Emperor of the East resigned, by an express

or tacit convention, an extensive and important territory, which stretched along the Southern banks of the Danube, from Singidunum or Belgrade, as far as Novœ, in the Diocess of Thrace. The King of the Huns required and obtained that his tribute or subsidy should be augmented from seven hundred pounds of gold, (£28,000) to the annual sum of two thousand one hundred pounds, (£84,000) and he stipulated the immediate payment of six thousand pounds of gold, (£240,000) to defray the expenses, or to expiate the guilt of the war.

"One might imagine that such a demand, which scarcely equalled the measure of private wealth, would have been readily discharged by the opulent Empire of the East; and the public distress affords a remarkable proof of the impoverished, or at least the disorderly state of the finances. The immediate supplies had been exhausted by the unforeseen necessity of military preparations. A personal contribution, vigorously, but capriciously imposed on the members of the Senatarian order, was the only expedient that could disarm, without loss of time, the impatient avarice of Attila; and the poverty of the nobles compelled them to adopt the scandalous resource of exposing to public auction, the jewels of their wives, and the hereditary ornaments of their palaces."

There can be little doubt but a great diminution of money took place all over the civilised world, from the time of Constantine, till the reign of William the Conqueror. We are not able to trace the various steps of depression one by one; but a few insulated facts, scattered over a wide period of time, will enable us to prove that this conclusion is established on as

good a portion of evidence, as the nature of the subject will admit.

The general opinion seems to be, that during the period of the Saxon heptarchy, the scarcity of money and the depression of prices, were the greatest in the western parts of Europe. The Romans had carried off every thing in Britain and Gaul, in the shape of gold and silver. In the former country in particular, money was so scarce, that the Saxon writers tell us that *living money* had to be established as legal payments. "This," says Henry, "consisted of slaves and cattle of all kinds, which had a value set upon them by law, at which they passed current in the payment of debts, and the purchase of commodities of all kinds, and supplied the deficiency of money, properly so called. Thus, for example, when a person owed another a certain sum of money, for which he had not a sufficient quantity of coin to pay, he supplied the deficiency by giving a certain number of slaves, horses, cows, or sheep, at the rate set upon them by law; when they passed for money to make up the sum. All kinds of mulcts imposed by the state, or penances by the church, might have been paid either in dead or living money, as was most convenient; with this single exception, that the church, designing to discourage slavery, refused to accept slaves as money in the payment of penances. In those parts of Britain where coins were very scarce, almost all debts were paid and purchases made with living money. This was so much the case both in Scotland and Wales, that it is much doubted if any coins were struck in those countries in the Saxon period."

Alfred the Great was said to be one of the most

wealthy princes of his age, yet he was able only to bequeath to each of his sons fourteen hundred pounds, and to each of his daughters two hundred and eighty pounds.

In Dr. Henry's History of England a quotation is made from Dr. Wilkins "Leges Saxonica," of the prices of various articles in the reign of Ethelred, in the year 997. A few of these are here specefied.

Price of a Man or Slave	£2	16	3
" a Horse	1	15	2
" a Mare or Colt	1	3	5
" an Ass or Mule	0	14	1
" an Ox	0	7	0½
" a Cow	0	6	2
" a Swine	0	1	10½
" a Sheep	0	1	2
" a Goat	0	0	4½*

The decrease of the precious metals, by what is termed *abrasion*, or their wear and tear, in circulation, is a matter of difficult calculation. The data on which estimates on this subject have been made are, in a great measure, suppositious and arbitrary. Upon the assumed principle that the loss of gold and silver from wear, proceeds at the rate of one part in three hundred and sixty annually, the following table is constructed, which shows the decrease of the public money from the time of Augustus, in the year 14, in the christian era, to the beginning of the ninth century.

In the year 14 the gold and silver amounted to	£358,000,000
Deducting 10 per cent. for wear, their would be	
in the year 50	322,200,000
" 86	287,980,000
122	259,182,000

* Jacob on the Precious Metals.

In the year	158.....	233,263,800
"	194.....	209,127,420
"	230.....	181,943,678
"	266.....	163,749,311
"	302.....	147,374 380
"	338.....	132,636,942
"	374.....	119,373,248
"	410.....	107,435,924
"	446.....	96,692,332
"	482.....	87,033,099
"	518.....	78,229,700
"	554.....	70,406.730
"	590.....	63,364,057
"	626.....	57,027,652
"	698.....	46,192,399
"	734.....	41,573,160
"	770.....	37,415,840
"	806.....	33,674,256

The natural consequence of this gradual, but great reduction in the quantity of money in general circulation, would be a very marked reduction in the prices of all commodities. But writers on this subject have not been very successful in establishing this connection between cause and effect. It has been maintained, however, that though the public statistical records are few and obscure, yet the scattered facts which are well ascertained, go to prove, that a considerable depression in prices did follow the different epochs of decline, in the amount of the circulating medium.

From the time of the Norman conquest, and for the three following centuries, there seems to have been a gradual increase of gold and silver in England, and in all the other trading countries in Europe; but this increase was not of any great or marked extent. Up to the end of the fourteenth century, money must have been of comparatively high value, when we read, in

an historian of these times, that a magistrate, in one of the counties of England "was rich, having an estate which was reckoned worth one hundred and fifty pounds a year." Matthew Paris tells us, (1244,) "this was so fruitful a year, that a quarter of wheat was sold for two shillings."

On the vital question of money, or national currency, we have thus touched very slightly upon its prominent points, as they are developed in the series of political publications treated of in this chapter. On two or three other matters, more directly arising out of the social and domestic condition of the mass of the people, we shall just give a passing glance, without aiming at anything more than merely offering a few suggestive hints to those who may feel a particular interest in these important, though more practical and subordinate disquisitions of political science.

The rights of the poor were, in a certain manner, recognized before the termination of the fourteenth century. We owe this recognition chiefly to the influence of the Christian Church. At the commencement of the fourth century, a regular distribution of the property of the church took place. Pope Silvester ordered that one part of it should be assigned to the bishop for his support; another part to the priests and deacons, and clergy in general; a third part to the reparation of the church; and the fourth *to the poor, the sick, and the stranger.* The same plan was directed to be followed by Pope Simplicius, in his decretal epistle to the bishops Florentinus, Equitius, and Severus, who lived about the end of the fifth century. Pope Gregory likewise sanctions this mode of appropriating church property. In answer

to St. Augustine, who inquired, "How should the oblations which the faithful bring to the altar be divided?" The Pope replies, that it is the common custom of the Apostolic See to charge bishops, when they are ordained, that the whole income be divided into four parts; the first for the bishop and his family; the second for the clergy; the third for the poor; and the fourth for repairing the churches." *

In later times, the church still kept the rights of the poor in view. The 24 of Elfric says, "Let the priests set apart the first share for the building and ornaments of the church; *let them distribute the second to the poor and the strangers, with their own hands, in mercy and humility.*" In the "Mirror of Justices," a work which dates before the Norman Conquest, says, that "It was ordained that the poor should be sustained by *Parsons*, by *Rectors* of the church, and by the *Parishioners*, so that *none of them die for want of maintenance.*" And in 1838, we have a parliamentary act, "that a convenient sum shall be paid and distributed yearly out of the fruits and profits of the several churches, by those who shall have the said churches in proper use, and by their successors, *to the poor parishioners in aid of their living and sustenance for ever.*"

The chronicles and histories enumerated in this chapter, treat of a class of social institutions, which had a considerable effect upon the domestic comfort of the bulk of the people, who lived in cities and small towns; namely, the *guilds* and *fraternities* of workmen and artizans. These societies were originally both of a religious and civil nature, were of great

* Bede. Eccl. Hist. b. 3. c. 23.

antiquity, and were very numerous in every country in Europe. They had a direct and manifest tendency to diffuse and strengthen feelings of sympathy and friendship among the various orders of men, and to give a unity of action to their mutual endeavours to rectify public abuses, and to resist individual cases of cruelty, and oppression. These guilds were certainly instruments of social and political progress in this day.*

As we have noticed, the great question as to the amount of the *materiel* of social and domestic happiness diffused throughout the early communities of European civilization, in the several stages of their development, is one upon which we have very diversified and incongruous opinions and statements. We have naturally an ardent desire to lift up the curtain which the oblivion of ages has thrown over the condition and movements of innumerable generations of our fellow-men, and to scan in the past their active state, and the workings of their respective political systems, and schemes of policy, so far as they manifested themselves in the hearths and homes of the people. But this high privilege is beyond our reach; and all we can do is, to take our stand upon such general conclusions, and well weighed opinions, as candid and enlightened inquirers have fully established. Philosophical and antiquarian niceties, must be here laid aside. On this question, Mr. Hallam very sensibly remarks, "This, like many others relating to the progress of society, is a very obscure inquiry. We can trace the pedigree of princes, fill up the catalogue of towns besieged and provinces desolated, describe even the whole pageantry of coronations and festivals, but we

* See Dugdale's Monasticon, and Wilkin's Leges Saxonica, on this subject.

cannot recover the genuine history of mankind. It has passed away with slight and partial notice by contemporary writers; and our most patient industry can hardly at present, put together enough of the fragments, to suggest a tolerably clear representation of ancient manners and social life." *

There is one author who flourished a very short time after the termination of the fourteenth century, (1442,) who has furnished us with an account of the relative state of the mass of the labouring people in France and in England. Sir John Fortesque was a man of great intelligence, and had ample opportunities of forming a sound judgment on the matters on which he descants. He seems to have come to the conclusion, from well ascertained facts, that the generality of the labouring population in France, lived in a much more wretched style, than the same class of people in his own country. He dwells upon this topic at some length; and then points out, by way of contrast, some of the leading features which characterised English society, to show how far superior their social, political, and domestic condition was, to that of their neighbours. He says, "The King of England cannot alter the laws, or make new ones, without the express consent of the whole kingdom in Parliament assembled. Every inhabitant is at his liberty, fully to use and enjoy whatever his farm produceth, the fruits of the earth, the increase of his flock, and the like; all the improvements he makes, whether by his own proper industry, or of those he retains in his service, are his own, to use and enjoy, without the let, interruption, or denial of any. If

* Middle Ages, vol. 2.

he be in any wise injured or oppressed, he shall have his amends and satisfactions against the party offending. Hence it is that the inhabitants are *rich in gold and silver*, and in all the necessaries and conveniences of life. *They drank no water*, unless at certain times, upon a *religious score*, and by way of doing penance. *They are fed in great abundance, with all sorts of flesh and fish, of which they have plenty everywhere;* they are clothed throughout *in good woollens;* their bedding and other furniture in their houses, are of wool, and that *in great store.* They are also well provided with all other sorts of household goods and necessary implements for husbandry. Every one according to his work, *hath all things which conduce to make life easy and happy.*" *

We shall conclude these remarks on this division of our subject, with a few observations from the pen of Mr. Hallam, who has devoted much time and learning to this interesting, but difficult inquiry. He remarks, "There is one very unpleasing remark which every one who attends to the subject of prices, will be induced to make, that the labouring classes, especially those engaged in agriculture, were better provided with the means of subsistence, in the reign of Edward III. or of Henry VI. than they are at present. In the fourteenth century, Sir John Cullum observes, a harvest man had four pence a day, which enabled him in a week, to buy a comb of wheat; but to buy a comb of wheat, a man must now (1784) work ten or twelve days. So, under Henry VI., if

* "The passages in Fortesque, which bear on his favourite theme, the liberty and consequent happiness of the English, are very important; and triumphantly refute those superficial writers who would make us believe that they were a set of beggarly slaves." *Hallam.*

meat was at a farthing a pound, which I suppose was about the truth, a labourer earning three pence a day, or eighteen pence in the week, could buy a bushel of wheat at six shillings the quarter, and twenty four pounds of meat for his family. A labourer at present, earning twelve shillings a week, can only buy half a bushel of wheat, at eighty shillings the quarter, and twelve pounds of meat, at seven pence. * * * I should find it difficult to resist the conclusion, that however the labourer has derived benefit from the cheapness of manufactured commodities, and from many inventions of common utility, he is much inferior in ability, to support a family to his ancestors three or four centuries ago." *

* Middle Ages, vol. 2. p. 433.

*** As purely historical events and details exercise a great influence over judgments on political principles, at particular epochs of time, the reader will find, in Note D., at the end of the volume, chronological tables appertaining to civil, ecclesiastical, political, and literary subjects, from the christian era till the end of the fourteenth century. These, it is hoped, will afford a more copious range of reference than could possibly be given in the body of the present volume.

CHAPTER XXI.

CONCLUDING OBSERVATIONS.

THE period of time, nearly two thousand years, we have travelled, or rather run over, calls for a retrospective glance, in order to keep its leading political phenomena in view, and to fix in the mind some of these obvious reflections which it is fitted to suggest. When great portions of time get broken and scattered in their contemplation, the understanding becomes bewildered, and unable to realise their united results, or relative bearings on each other. It is often, in this way, that we form erroneous conclusions; and we are more apt to do so on political subjects, than on any other branch of human knowledge and inquiry. In the public movements of nations, extending over many centuries, the most we are commonly able to do, is to recognise those great and violent contests and struggles for power and existence, which fill up the foreground of history; while the more hidden influence which general abstract principles of knowledge and improvement exercise on the masses of the people, is thrown comparatively into the back-ground, and requires great labour, and concentrated attention to bring it to light.

As far back as the history of our race can carry us, we have two distinct, though not contrary, sources of political information;—the inspired books of Scripture, and the natural suggestions of human reason, embodied in the literature of ancient Greece and Rome. The former was for long confined to a narrow geographical sphere, and to a peculiar people; and the latter constitutes the united results of more widely disseminated opinions and judgments. They ran, for many centuries, a parallel course to each other; but by a succession of particularly important events, they were destined to long and bitter mutual conflicts, and ultimately to a formal and conditional amalgamation and harmony.

The political literature of the scriptures comprises in its vast range of subjects, great principles of polity, and but few matters of detail, as to the precise mode in which these principles are to be carried out, or to the extent to which they may be applied to the diversified condition and circumstances of mankind. On this point we need not, after what has been said in preceding parts of this volume, enlarge at the present moment.

The political science of Greece, in its earliest manifestations, solicits our attention through the hazy and mythological drapery in which it is enveloped. Unlike the Scriptures, it comes to us in no clearly defined and enunciated principles, which the mind can seize and comprehend in a moment, and which arouse the entire sympathies of the human soul; but its truths reach us through the faint whispers of intellectual feebleness, hesitation, and doubt. The ancient politicians of Greece, for some centuries, contented them-

selves with mere hints and surmises of great doctrines. No grand fundamental maxims of state policy are embodied in their writings and public teachings. They wander through the mazes of mythology and cosmogony without a single enlightened principle to guide their thoughts, or to direct them into rational and beneficial channels. The sound and general axioms of a social confederacy, were buried under a load of fanciful and extravagant speculation; and, in the race of conjecture, one politician after another, strove to upset the system of his predecessor or rival. Thus it was, that in this speculative tumult, the most common-place principles of political knowledge, were overlooked and disregarded.

We here recognise a wide diversity between the Spartans and the Athenians. In the modes of thought, public institutions, and social customs of the Spartans, we see an undue influence given to the animal parts of our nature. Their grand principle of political regeneration and improvement was *action*. Bodily strength, courage, craft, and hardy endurance, were the instruments to uphold the stern and uncompromising maxims of their government. Literature, art, and science, they despised. They had no written law, no money, no commerce. Neither material nor intellectual luxuries were permitted. They made no political progress, nor did they cultivate any talents save those of warfare. Had it not been for the mental genius and cultivation of their neighbours, the very name of the Spartan nation would have been blotted from the page of history. The Athenians present an altogether different picture. They cultivated and cherished an unlimited freedom of thought, and allowed

the human faculties the widest range of speculation. They cultivated every department of human knowledge calculated to refine and adorn the citizen of the republic. They have left glorious and imperishable monuments of their mental capabilities. They scattered in every direction the seeds of civilization and improvement, and redeemed the world from the grossest barbarism.

The science of general polity moved onward, and obtained something like a solid footing, Plato and Aristotle arose, and gave method and consistency to the scattered political opinions and judgments of others. They imparted to them a scientific unity they had not hitherto possessed. Rome, amid her foreign wars and conquests, and domestic factions, listened to the Grecian sages, and profited by their doctrines. Her theoretical and philosophical thinkers added their mite to the common stock of sound and useful knowledge; and the eloquence and literary reputation of Cicero, were made to bear on the interests of social science, and the practical views of general statesmanship. Here we can distinctly trace the line of progressive improvement of the human mind, although often obscured amid the intellectual and moral darkness in which it was enveloped.

The entire mass of ancient political writing and speculation had not, however, succeeded in forming anything like the instrument we now call *public feeling*. It had made no visible impression—no impression that seemed to carry the principle of perpetuity with it—on the minds of succeeding generations of thinkers. Public opinion might be occasionally directed in the ancient republics to a particular political grievance,

but the step gained in advance was soon lost again, and it relapsed into its primitive state of apathy and ignorance. It could never be sustained, or trained to combined and continuous action. The peculiar construction of these early commonwealths, the state of parties and factions, and the utter want of any elementary and elevated conceptions of politics as a science, among the mass of the people, rendered the efforts of political authors comparatively nugatory, either for the solid extension of theoretical information, or for the everyday guidance and direction of public affairs.

But a brighter era was at hand. Christianity was pregnant with important principles of politics and legislation. It placed human nature under a novel and interesting point of view. Man was a composite creature, made up of body and soul; and to sustain both, there must be spiritual as well as temporal means of support, and both elements must be united in given and definite proportions. To perfect his individual and temporal nature—to give him a home, and surround it, in some degree, with worldly comforts, and the endearing and social ties of kindred, was to make him a good and useful citizen, and to promote the great ends of political progression. This was a piece of cardinal philosophy embodied in the sacred writings. The improvement of man as an individual, and man as a member of a community, must go hand in hand; for we can no more rear humane and beneficial schemes of civil polity upon ignorance, misery, poverty, and debasement, than we can rear the fruits of the tropics on the floating iceberg. Man, therefore, must be knit to man; each must be placed on the common platform of civil life; and be considered equal in point of

liberty, and the rights and privileges of justice and equity. These are the fundamental principles of christian politics.

These novel and serious truths soon found enlightened men to unfold and propagate them. Though more directly engaged in the dissemination of spiritual than of the temporal doctrines of the bible, yet they found that both were so intimately bound up together in the human constitution, and in all the relations of society, and both were so directly taught and enforced by the great author of their system, that to make any essential difference between them, would be to defeat altogether the chief end they had in view, the happiness of men, in time and eternity. The fathers of the church, therefore, became politicians, both from principle and expediency. But their knowledge of political science, in all its breadth and comprehension, was limited and imperfect. They had a huge and inexorable system of civil oppression to contend and battle with; and their mode of warfare was more of a defensive than offensive character. By dint, however, of perseverance, courage, talent, and eloquence, they drew the attention of rulers to the great principles of justice and equity, and gradually succeeded in infusing a milder spirit into systems of legislation, and of elevating the depressed part of mankind to something like social and intellectual liberty and independence.

In the formal union of the christian with the heathen element of civilization and political science, under the reign of Constantine the Great, new social and public principles were evolved, and the sphere of the speculative thinker, on the relations of civil society, was

considerably enlarged. Clerical power and influence gradually increased, and were made to bear more directly and efficaciously on flagrant violations of the maxims of humanity and justice. The bulk of the people obtained some degree of shelter from oppression, and became daily more under the control of moral, social, and religious habits and opinions. Their duties as citizens of the state were better defined and understood, and discharged with more heart and cheerfulness. Faint gleams of personal independence, and political freedom, penetrated, here and there, the dense mass of ignorance and violence, which enveloped, as with a thick mantle, the entire surface of society. The still small voice of civil and political sympathy was occasionally heard, amid the councils of the church, the angry theological controversies of the times, and even in the fierce and cruel persecutions, which lawless power and bigotry instituted, at various times, with satanic pertinacity. The energetic pens of the learned and eloquent Fathers of the Church were directed, in their several localities and ages, to soften the wrath of persecutors, and to improve and liberalise the respective governments of the day. These several clerical appeals form the first rudiments of christian political literature.

Rome, long mistress and tyrant of the world, fell a prey to the successive inroads of barbarian invaders. A new element was here again mingled with the christian and heathen systems of polity. These bold and adventurous tribes brought with them, out of the forests and morasses of their respective countries, a wild and unconquerable love of personal liberty; and whether in the capacity of masters or dependants, they

imparted to the spirit of the times, no small portion of practical independence and power, and gave fresh vigour to the intellectual and social energies of the mass of the people. Their several codes of law were, one after the other, amalgamated with the legal system and institutions of Rome, and with the general maxims which christianity had successfully established, at this period, as landmarks and guides in the science of legislation and government. A broader platform was, by these, in concurrence with other minor influences and circumstances, raised for the exhibition of popular right and opinion; and, here and there,—on the judicial bench, as well as in the prelatical gatherings and writings of the clergy, we may trace out the plain and unqualified recognition of many important truths, connected with the political happiness and welfare of mankind in after ages.

The influence which the church acquired, though by slow and imperceptible degrees, became in the course of centuries, the chief political agent in society, and the promulgator of some decrees hostile to the very liberty and freedom for which she so courageously and successfully struggled, in the early days of her history. She became a slave to ambition and the love of dominion, and aimed at supreme and irresponsible power over kings and rulers, and all legislative assemblies. We have seen some of the various phases which this inordinate love of authority assumed in its progress to absolute sway over the conduct and minds of men; and cannot but sincerely regret that such untenable political views should have been entertained by a body of men, so peculiarly called upon to pursue more rational and independent measures. But such is the

lamentable fact, which history tells with a thousand tongues. As a set-off, however, in some degree for the absurdity and tyranny of papal power, we must give the church credit for many important civil and legal reforms, which she effectively made during the centuries she was battling, might and main, for undivided supremacy. These reforms relate chiefly to the treatment of slaves, the laws of marriage, divorce, legal rights of children and females; and other matters of vital moment to the interests of society generally.*

We find other influences besides those of a purely abstract and speculative cast, which the church wielded in its struggles with the temporal power of states, arising from external and material causes and circumstances, greatly affecting the current of public opinion on question of right and justice, and the common principles of citizenship. We have the feudal system in all its stages of progression, fixing and defining the tenures of property in every kingdom in Europe, and determining the share of public independence and freedom, which every inhabitant is entitled to enjoy. This was a mighty engine both for good and for ill. Then again we have the crusades, which proved, on the whole, favourable to the extension of knowledge, and the progress of liberal sentiment and opinion. Chivalry came with its soft blandishments, tournaments, and etiquette, and rubbed off much of the boorish violence and rudeness of the

* In reference to these times, a distinguished French historian remarks that "temporal power was mere brute force, intractable ruffianism. The church, on the contrary, however imperfect its notions of morals and of justice might have been, was still infinitely superior to such a government; and the cry of the populace was continually raised, beseeching it to separate the dominant power."—*Guizot.*

times ; and gradually paved the way for a general amenity and refinement of manners and deportment. Free cities were multiplied in almost every section of Europe, and their respective charters imparted a love of freedom among the busy hives of artistic and manufacturing industry and skill. Out of these several social institutions, all of which took their rise from accidental causes, or temporary schemes of expediency, there arose a vast number of political questions, which have not only served numerous politicians with topics of discussion, but have thrown no small portion of light upon some of the most profound and difficult problems of political science, in its most comprehensive signification and practical bearings.

We see politics treated of in a scientific, though circumscribed manner, by the scholastic thinkers. The more important and comprehensive principles connected with the science of government, the origin of society, and the obligations and authority of laws, are here gravely and methodically handled and systematised. Here, likewise, we recognise the fact of progression ; for in the early discussions of the schoolmen on political topics, they display but a shallow knowledge of even common and elementary principles ; but we find, that in proportion as their general stock of information increased, they took a wider range of inquiry, and obtained a deeper and more concentrated insight into the social sentiments and feelings of mankind. Considering that they were the recognised guardians of all knowledge worthy of the name, and the only active and efficient instruments in conferring a regular and academical education, their speculations

on government matters, brief and limited though they be, preserved an acquaintance, in high and influential quarters, with the leading elements of political science. The narrow views, and formal discussions of the scholastics, though they, in one sense, cramped the native energies of the human understanding in the pursuit of political information, yet, in another, their learned doctors served as valuable bulwarks against the entire dissipation of the more cardinal portions of the philosophy of civil law and social polity.

One of the chief advantages which the scholastic doctors conferred on political literature, was, their constantly connecting it with the principles of moral science. Politics were embodied in all their formal and methodical treatises of moral evidence and obligation. They imparted a philosophical dignity to the art of government. And it must be remembered that, in the scholastic ages, the learned doctors had a complete monopoly of everything in the shape of education and knowledge, and it was only through them, that the general current of public thought could be approached and acted upon. That the study of moral philosophy in these times, had led to powerful political action, through the ordinary channels of academical tuition, is a matter of which there can be no doubt; for we find in all the leading publications which made their appearance at, or soon after the Reformation, and which treated of the abstract nature of civil polity and government, that their authors invariably appeal to the scholastic doctors as authorities on the subjects under discussion. And we likewise find, that such was the political influence of the mode of teaching political doctrines through the medium of

disquisitions on moral evidence and rules, adapted by scholastic writers, that about the middle of the fourteenth century, one of the Kings of Spain caused his prime minister to send a circular to the heads of all the universities of his kingdom, commanding the immediate discontinuance of lectures on moral philosophy; because, said the royal edict, "His Majesty does not want philosophers, but loyal subjects." Nor were the apprehensions entertained from the doctrines of this branch of knowledge altogether ill founded. The scholastic divines and philosophers were the first who clearly laid down the principle, in their treatises of morality, that the science of politics was a system of mutual and regulated duties and obligations between the governors and the governed. This notion ran counter to the current of opinion entertained by the crowned heads of these ages, who conceived that all the duty and obligation there might be in the matter, lay entirely on one side, and had no reference whatever to themselves. To talk of the obligations of a reigning prince might be tolerated as a figure of speech; but to connect it with practical matters of government, was a suspicious and dangerous innovation.

The science of politics, when viewed through a mental and abstract medium, made a decided progress in the hands of the learned doctors of the schools. If we cast an eye over their several political works, from the tenth century till the termination of the fourteenth, we shall see a gradual, but decided improvement prevading this branch of human knowledge. We recognise not only the development of new principles at stated epochs, but old ones discussed in a more improved method; adorned with an increased perspi-

cuity of expression, and more copious and eloquent illustrations. The entire science was subjected to more rigid and systematic arrangements; and century after century it received a more finished polish. The truth of this is quite apparent from even a very superficial perusal of the abstract political disquisitions of the times.

Indeed, the scholastic philosopher may be considered as a thing strictly necessary to the intellectual system of the world. The learned men of these past ages, were the instruments of preserving principles of great value, and imparting to them that precise scientific form, requisite for handing them down to succeeding generations, in all their fulness and integrity. Such men, whether called scholastics or not, are required at all times, and for every department of knowledge and science; and we have them amongst us in our own day, to perform the same necessary mental offices, which were imposed on the philosophers of the middle ages. Such a class of profound thinkers prevent knowledge in general from running into useless and profitless details; and are the sole instruments appointed by the constitution of nature, to give permanency and utility to the mental labours of successive generations of men.

But viewing the subject again from another aspect, we are led to an opposite judgment, and to come to conclusions somewhat at variance with the estimate we have just formed. Many persons of even tolerable learning and ability, look upon the ages we have just gone over, as an entire political blank, containing nothing worthy of a moment's consideration in reference to the history of administrative or legal polity.

Now we are of somewhat different opinion. Every well informed reader must admit, that before the end of the fourteenth century, the entire civil and political frame-work of Europe, as it now exists, was made, and fitted for all its governmental and legal functions. It is impossible, when we cast an eye over the public institutions of the European family at the present day, and compare them through the medium of laws, with those which existed four centuries ago, not to be struck with the complete identity of both, as to all the fundamental features of the two sets of things. The conclusion forced on every candid mind is, that there was something *done*, if not copiously *written* about, during these two thousand years.

The fact is, we pass over these many ages previous to the revival of letters, and the Protestant Reformation, without instituting any inquiry respecting them; partly from the distance of time, and partly from the difficulty of procuring books and records, containing the opinions and judgments of the early writers and thinkers of those times. This latter obstacle, it is almost impossible to remove. But viewing the scanty materials just as we find them, we see enough to bring us to the conclusion, that the great minds of past ages, had not altogether lived in vain, in reference to the vital questions connected with the general science of government. They expounded—quaintly enough perhaps—many fundamental principles of inestimable value, both to rulers and people. The case of these ancient politicians may be compared to the judgment we form of a colossal and interesting building. We fix the eye on its well stocked and highly finished apartments, full of

everything captivating, convenient, and of artistic excellence; the outside ornamental work calls forth our admiration and praise; but we seldom think of the agents who planned the whole, dug out and laid the foundations, and executed all the substantial parts of the structure. It is precisely the same when we attempt to contemplate, as a whole, the colossal structure of civil society. We are apt to look lightly on those who have been engaged in rearing the solid and enduring parts of it, and lavish our praise exclusively on the labours of those who have put an outside finish or ornament over its more prominent divisions.

It may, therefore, be remarked—and the remark rests on indisputable proof—that there has been going on, during these two thousand years, a decided progress in reference to political opinion and sentiment. Dark as many conspicuous portions of this period were, compared with others in some particular points of view, yet in reference to steady advances in a knowledge of sound principles of government, and maxims of constitutional polity, there was still displayed a decided movement in a right direction. This progress sometimes displays itself in fitful and spasmodic movements, and the ground gained to-day seems to be lost to-morrow; but when we come to analyse with care those forward and retrograde movements, and balance their results fairly, we shall have a clear residue in favour of general humanity and improvement. This onward progress has often been compared to a flowing tide, where, though every wave retires, yet the whole mass of waters moves on in irresistible power and force.

Indeed, looking at the political condition of Europe in the year 1400, in all its varied relations, and con-

trasting it with its condition at the present moment, we may compare it to a stupendous and lordly castle. At a distance, it wears all the appearance of antiquity, and seems to have effectually resisted the hand of modern innovation. But a nearer inspection dissipates, or somewhat modifies this conclusion. We perceive, indeed, its ancient foundations, and the unity and design of its original plan. But a more minute and artistic inspection unfolds the various epochs when particular parts of the building had been either added to, or greatly altered from their first erection. The necessities and conveniences of the inmates had felt it requisite to add a tower here, and a wing there; to widen the foundations in this direction, and in that; to remove unsightly obstructions and to extend and beautify the varied scenes over the surrounding landscape; and above all, to make such additions, and enlargements to the original structure, as were directly conducive to the domestic ease, comfort, and liberty of its possessors. To the eye of the connoisseur, therefore, the edifice would present a vast assemblage of various orders of architectural skill and taste; it would appear as stamped with the imprints of particular periods of history; but would still look as if it had preserved, in all its main outlines, that decided unity of figure, and individuality of character, which lead the mind to consider it altogether unique in its kind, and different from every other building, and as the result of a uniform class of intellectual energies, conceptions, and associations.

It strikes us as a very obvious suggestion, from the cursory survey of the many centuries now alluded to, that political knowledge, and political progress, are

both of very slow growth. It seems one of the conditions of the moral government of the world, that knowledge of all kinds is only to be dug from the depths of the intellect by long and laborious exertions of entire communities, and by the most steadily directed aims and pursuits; and certainly knowledge relative to man's social existence, comfort, and independence, appears to be the most difficult of parturition, and the most unattainable for practical purposes. When some fortunate mind discovers a new truth in the science of government, it invariably happens, even in our own times, when the transmission of thought is so surprisingly rapid, that it hovers over the intellectual horizon of a nation, long before it is made familiar to the ears of the people at large, and made to form an integral part of the popular political creed. If this be the case now, it must have been still more difficult, during the times of which we are now treating, to realise the practical value of abstract truths of a novel cast relative to legislation, and to bring them down to the level of the multitude. Still, with all the allowance we can be reasonably called upon to make, between the present times, and those preceding the fourteenth century, the wonder presses upon our minds, how little should have been embodied in all the political literature of these two thousand years.

From this cause it was, that there was not anything, up to the period now under consideration, that could be called *public opinion* on matters of general polity, and administrative legislation. The public knew nothing whatever of such things. All the knowledge of politics, and the principles of which they are the embodiment, was confined to the few learned indi-

viduals who lived in cloisters and universities. Governments were carried on by the mere *vis medicatrix naturæ* of the body politic, joined to such rough and ready materials, as the emergencies of the moment, or the suggestions of expediency, prompted men in power to use. Legislators and politicians had not yet ventured to look into the human constitution, and mould their systems of legislation in accordance with its leading social feelings and sentiments; but contented themselves with little save sheer brute force, and violent and irresponsible compulsion.

We find, however, that as general knowledge increased, it exercised a friendly influence upon the current of political thought and action. Even in those times when the poetic spirit first manifested itself in various countries of Europe,—when men racked their invention in praising the glories of battles and of love, of festive pomp, and religious exercises,—there was a soothing tone, and friendliness of manner imparted to the political relations of mankind, that had not been experienced in the previous ages of the world. Men began to appreciate the practical value of kindness and liberality. This feeling had previously been isolated and confined, and when called into exercise, was only directed to a few objects. It might occasionally burn intensely enough, but beyond a certain point, it was never felt. The private affections of life absorbed all the love a man had for his species; but now we see a wider field of sympathy, and an interest expressed and felt for the good of mankind in general. The literary spirit displayed the common nature or brotherhood of men; and it became a received and influential doctrine in all the political creeds of the times. Though imper-

fectly comprehended and applied, it still, century by century, gained a firmer hold of the human understanding, and more vigorously excited and strengthened the political sympathies of our race.

This doctrine of a common nature expanded the benevolent principle beyond exclusive and factious circles. It imparted a lofty dignity to all social and political truths. It shook all that was merely outward show on the body-politic—birth, and rank, and wealth, and honour, which separated large classes of men, as if they had been distinct races.

In the many centuries we have surveyed, we recognise a great depression hanging over political opinion and sentiment. There was, in these ages, too great a disproportion between the external appliances and inward capabilities of man—between his bodily and mental natures. From this cause, the progress of civilization appears always moving in a one-sided direction, and to be circumscribed and imperfect. The mere increase of wealth and power, unaccompanied by a corresponding knowledge and intelligence among the people, as to their political rights and duties, seems to present to the eye of the philosophical inquirer, a state of things, premature in existence, uncertain in duration, and insecure in its stability. We cannot here trace political causes and events to their origin. The mind becomes deprived of its just share of influence; and cannot luxuriate in those rational expectations of human improvement, so congenial to the loftier powers of its being. In the ages now under consideration, the harmony between the two great elements of progression—the increase of material power, and the development of the moral

and intellectual faculties, was too much disturbed, to impart to the speculative politician, that requisite degree of confidence in his doctrines, that might lead to beneficial and happy results to nations and individuals.

In passing down the stream of time, we perceive many public advantages arising from the gradual extension of commerce and manufactures. Nations became more closely allied to each other; and in proportion as they came to understand thoroughly their own respective interests, they relaxed the close and restrictive nature of their commercial codes, and established many wise and salutary provisions for the more easy and successive prosecution of their trading enterprises. The general and abstract principles of commerce, banking, exchange, and the like, which form important constituent elements of the science of politics, became, one by one, better understood, and more universally applied. The commercial intercourse of nations, being founded on maxims of liberty and independence, there necessarily sprang out of this intercourse, many civil and political benefits to mankind, which they would not otherwise have obtained. Hence it is, that in every period of history we have just gone over in this volume, we distinctly recognise a growing spirit of national liberality, a more complete acquaintance with the doctrines of political knowledge, and more widely diffused opinions and sentiments of private and public liberty, in all those parts of the world, where commerce and manufactures were fostered and encouraged. The common and active sympathies of mankind are, in such localities, called into vigorous action; and where they are allowed an

unrestricted range, they naturally produce peace, the unfettered exercise of opinion, and real wealth and power to the state.

Another suggestive incident arising out of this long period of political history now under consideration, is, the constant presence of the theological elements, both in heathen systems of polity, as well as in those systems framed since the christian era. None of the ancient philosophers thought political speculations feasible or perfect, unless they had a close alliance with the religious sentiments of the people. Since the introduction of christianity, we have seen how it influenced and directed public opinion in reference to political principles and measures throughout every succeeding century; and, like a little leaven cast into the common mass of human feeling and intelligence, has been ever since gradually penetrating and moulding them both. We trace the christian development slowly but steadily progressing, from one age to another, mixing both with the forms and the theories of government. It does not always move in a straight line; but through various winding and indirect channels, and bears down everything which opposes itself to its course and influence. The power of christian principle does not develope itself as a thing having its foundations in the depths of humanity, but as something revealed, superadded, and communicated to man from a higher source, in the shape of a command or order. This is its native or abstract character. But it has likewise another; and that is, its adaptation to all those intellectual and moral powers in the individual, which have for their aim the extension of his knowledge, and his progressive social improvement. Were this not the case, religious senti-

ment and institutions could have no beneficial influence on society whatever. This connexion—this harmonious agreement—between the divine mind, and the mode in which human nature is developed, is significant of the great end and purposes of political regeneration. It shows the type or model according to which humanity must shape its course. When this connexion is fully established, then will be the highest state of social improvement.

It is apparent, from the ages we have run over, that the christian system, in conjunction with the extension of general knowledge and science, affected the current of political thinking in two different modes. First, that system displayed much of its influence in the formation of abstract theories of right and justice, and in the establishment of certain legal and legislative measures, for the good of the community at large. Here we have, as it were, the external evidences of christian philosophy. The vast increase of books and treatises on law and equity, which, from the time of Constantine to the termination of the fourteenth century, had taken place in all the countries of Europe, is a conclusive proof that no small progress had been made in what may be termed the science of legal forms and principles. And, at the same time, we can trace the several steps by which legislation itself manifested its onward movements, in the gradual adaptation of these enlarged views of the public good and justice, which were forced on the attention of politicians, and made necessary ingredients in all the schemes of state policy. Such, for example, were these maxims connected with the rights and duties of the female sex, the nature and practice of slavery, and with those innumerable forms

and customs which fettered the personal liberty, and cramped the mental energies of the bulk of the people. From time to time we recognise the attempts to give a practical illustration of the great and general truth, that every government *de facto* was bound to promote, as far as it was able, the real happiness, power, and prosperity of the millions committed to its care. Here the increase of abstract speculations and practical statesmanship, went hand and hand, and their united and salutary effects are distinctly portrayed on every successive generation, from the fifth century, till the end of the period now under consideration.

Then again, the second manifestation of Christian principle, and the gradual increase of information, is legibly imprinted on the private or individual movements and interests of mankind. Although the real history of numerous generations of our fellow-men, who flourished and died, during the "dark ages," can never be known, yet we can distinctly trace the marks of their social improvement from time to time, from the several chronicles, and fragments of history, which have been handed down to modern times from unquestionable authority. In fact, the consolidated ritual of religious observances must have been felt through every part of human society, and been highly influential in the formation of those habits of life, and trains of every-day thought, so favourable to all rational and useful legislation. All the daily precepts rung in men's ears, enjoined him to love his neighbour as himself; to be merciful and benevolent to the poor and distressed; to forgive his enemies; to love virtue and goodness for their own sakes; and to feel that slavery, oppression, cruelty, and misrule, were things

in themselves hateful and pernicious, both to individuals and societies. These were among many others, some of the distinctive influences which the religious element exercised over the personal characters of men. It was through the instrumentality of these constant teachings and admonitions, that communities of men were gradually brought to rivet their understandings on social improvements, and the more lofty principles of legislative knowledge and science. And although there might be mixed up with these daily lessons, much that we of the present day, may think frivolous and pernicious, both in doctrine and practice, yet this is not sufficient to cancel all the good such constant instructions produced. After every fair and reasonable deduction is made on this score, there is a considerable residue to be placed to the credit of the christian hierarchy, in every age of its power and authority.

And we can scarcely fail to remark, that all the first attempts at political writing, from the twelfth century downwards, were just an embodiment of those feelings and sentiments of the people, which the daily ministrations of religion created and fostered. Every writer made an appeal, in some mode or other, to the principles and morality of the common creed. This was the secret of their power—the foundation of their popularity and influence. The spirits of the age, who aspired after improvement, saw that the political nature of man was as yet hidden from himself:—he was still a stranger to the inward and secret springs of his social existence. He had only faint gleams of its capabilities and powers. These required a purer religious feeling to pervade the masses;—a higher intellectual and moral training to reveal the

true character of his precise position in the universe. He appeared, in fact, in their eyes, as only a half-reclaimed savage. Christian ethics were, consequently laid hold of as that infallible indicator, that pointed out, in the distance, the path that would lead to the sublimest truths, and the fullest enjoyments of social happiness and power.

While, however, political writers kept their eye steadily directed on the value of the christian system, as an organ of renovation and improvement, they saw clearly that the vast body of the clergy were leagued against them. The church, ever since it assumed anything like what could entitle it to be called a church, had been reforming society daily in matters of detail, and practice; but in theory, it laboured with might and main to establish itself as the *only* channel through which anything good, enlightened, and liberal, was to be conveyed to the popular understanding. It said in reality, that political rights and privileges were matters to be dealt with only through the forms and doctrines of its faith. All the writers of the church, whether scholastic or popular, who treated of political doctrines, laid down the principles, that no system of general polity could be safely discussed which itself did not think good; and that to extirpate ideas of a contrary character, was an imperative duty imposed upon it by the very nature of all christian institutions. In proportion to the firmer and more extended hold which the church obtained of temporal power, in the same ratio did it consider itself constrained to repress individual opinions of dissent; and for this obvious reason, that powerful state arguments, independent of theological ones, suggested themselves in favour of repressive

influences over the rights of private judgment. The church said to itself, in substance, we are not simply a religious institution, we are invested with the power, and exercise the functions of a government. Now, a government which confines itself solely to the temporal wants of the people, only discharges one part of its duties, and that by no means the most important. Their eternal happiness and welfare are of more weighty import than anything else. This can only be secured by establishing a political and social standard of truth;—by imparting a political conscience to the community. The very nature of a christian government pre-supposes its right and duty to deal with the highest interests of all its subjects; and this can only be done by striving to make them *good*, as well as rich, powerful, and happy.

We cannot fail to observe that the struggles, which the catholic system incessantly maintained against the privileges of free-agency in the individual, did not take their rise from the mere respect for theological doctrines, abstractly considered. The moving principle behind the chair of St. Peter, was a purely political one. We see this manifested in every direction, and by every exercise of Romish power and vigilance. The mere attack upon a particular doctrine of the church was not so much an object of watchful solicitude and suspicion in its religious bearings, as in those that might appear in the eyes of the hierarchy, to ally it to political questions. It was here that Rome invariably put forth all her strength, and wielded the sword of persecution without mercy. The outward history of what may be termed speculative philosophy, abounds with numerous examples illustrative of this

disposition of the church. Whenever any particular abstract opinion was broached, it was instantly scanned in all its political aspects, leaving the purely theological part of the question as a matter of secondary importance. And it must be always borne in mind, that the papal system had the absolute power of knowing in what degree every assumed schismatic opinion might affect the ordinary current of public feeling, relative to social and political innovations. The system was ubiquitous;—it was everywhere present. It stood at every moment of time between a man and his own thoughts; and was always in a position to catch the faintest aspirations or breathings after changes or alteration of any kind.

Such was the real situation of society in the middle ages. Public opinion and freedom were acted upon by two antagonistic forces;—the expansive and the repressive; and if not both taking their rise from a religious feeling, were at least actively excited and sustained by it. Acting upon the principle that they were the only instruments of political improvement, the clergy set themselves in open array against all intellectual innovation; and the more zealously they enforced their peculiar dogmas, the more irritable and explosive did the minds of societies become. Here nature arose, and redressed her own wrongs. Had the priesthood accommodated their teachings to the growing intelligence of men, they would have acted nobly and wisely; but they seem, as political writers and philosophers, to have had no idea that the perfection of social institutions depends upon the proper amalgamation of secular with theological instruction. This was a principle at this period entirely unknown and un-

recognised. It was, however, to be actively realised in a short time.

Now, contemplating these several points, we shall merely observe that it seems somewhat singular, that up to the end of the fourteenth century—that is, for a space of nearly two thousand years to which our inquiries have extended—we find no pen that ever attempted to grapple with, consolidate, or develope the science of politics *as a whole*. Much had been written from age to age during this long period, on almost every subject; but nothing, since the days of Plato and Aristotle, save mere hints or scraps, on that vital department of knowledge, which, more than any other, obstrudes itself on the attention of men at all times, and which more than any other, is so intimately allied to every phase and condition of their temporal existence. The great and profound thinkers of every age, in these two thousand years, had abundant materials before them, and had seen human society in nearly every possible condition; yet they never seem to have regarded it with a philosophic eye, nor were ever prompted to look into the abstract nature of man, and to detect those powerful springs and passions, which display themselves in the public struggles and movements of society. There were portant and influential political principles scattered about in every direction; but no master-mind appeared to collect, arrange, develope them, or bring them home "to the businesses and bosoms of mankind."

NOTES TO THE FIRST VOLUME,

FROM THE

EARLIEST PERIOD TO THE FOURTEENTH CENTURY.

NOTES.

NOTE A. PAGE 146.

CANONS of the church, and other documents, testifying the solicitude manifested by the clergy, for the alleviation and abolition of personal slavery, during the early and middle ages.

Penitence is imposed on a master or mistress, who ill-treated a slave. *Concilium Eliberitanum, A.D.* 305.

The clergy reprimanded the violence of those masters of slaves, who endeavour to prevent them from seeking an asylum in the church. *Concilium, A.D.* 441.

The sentiments of St. Ambroise, relative to the purchase of slaves for the purpose of redemption, and to the duty of selling the sacred ornaments and utensils of the church, to effect this humane object. A.D. 389.

(§ 70.) "Summa etiam liberalitas captos redimere, eripere ex hostium manibus, subtrahere neci homines, et maxime fœminas turpidini, reddere parentibus liberos, parentes liberis, cives patriæ, restituere. Nota sunt hæc nimis Illyriæ vastitate et Thraciæ: quanti ubique venales erant captivi orbe.....

Ibid. (§ 71.) "Præcipua est igitur liberalitas, redimere captivos et maxime ab hoste barbaro, qui nihil deferat humanitatis ad misericordiam, nisi quod avaritia reservaverit ad redemptionem."

Ib. L. 2. C. 2. (§ 13.) "*Ut nos aliquando in invidiam incidimus, quod confregerimus vasa mystica, ut captivos redimeremus,* quod arianis displicere potuerat, nec tam factum displiceret, quam ut esset quod in nobis reprehenderetur."

Bishops are admonished to respect the liberty of those slaves who had been emancipated by their predecessors; and to inculcate the doctrine that it is, in the eyes of the church, highly meritorious to grant liberty to captives. *Concilium.* A.D. 506.

If a bishop died, and did not leave wherewithal to discharge all his pecuniary obligations, the slaves he might be in possession of, were commanded not to be disposed of, for the purpose of liquidating his debts. *Concilium*, A.D. 541.

The church promulgated certain rules to all the proprietors of slaves, to observe towards them the utmost kindness and humanity. *Concilium*, A.D. 549.

Masters commanded to be excommunicated, who should kill a slave. *Concilium*, A.D. 517.

"Si quis servum proprium sine conscientia judicis occiderit, excommunicatione biennii effusionem sanguinis expiabit.' (Canon 34.)

Priests are forbidden to illtreat their slaves. *Concilium*, A.D. 549. See likewise the following canons of the church, relative to slavery, generally; namely, A.D. 549—585—566—603—625—633—650—655—666—731—806—864—922—1102.

All these written declarations of the church, relative to slavery, are full of interest. They show that the empire of force gives way but slowly to the empire of reason. It is one of the most interesting and useful labours of the historian, though not the most flattering to human pride, to trace the steps by which this change takes place, as exemplified, for instance, in the history of political institutions, the relation of the wife to the husband, and of the servant to the master. This originates in the power of the strong over the weak. Man, in the infancy of society, uses his physical power according to his own pleasure. In the case of his wife and children, natural affection restrains him, in a great measure, from the abuse of his power. But there is another class of dependants, his conduct towards whom is not restrained by such feelings—his slaves. Slaves were probably at first captives. It being considered that the victor had a right over the life of the vanquished, the latter was looked upon as altogether at the disposal of the former, who, if he chose to spare him, might subject him to any restraint that he saw fit. The principle on which slavery was thus made to rest, was only adapted to the rudest condition of society, and is wholly inconsistent with the present state of morals and religion. We carry on wars, indeed, for the attainment of specific objects, and, as far as the destruction of human life is required for the attainment of those objects, we regard it as a necessary evil; but we do not consider that either individuals or governments have any right to dispose of the lives of the vanquished; nor are even criminals allowed to be made slaves in the full sense of the word. Philosophy allows of no obligation from one man to another without an equivalent; and the idea of making a man a slave, that is, of subjecting all that he has and is to the disposal of a master, who is not bound, on his part, to render anything in return, is at war with the first principles of bodies politic. Slavery can never be a legal relation. It rests entirely on force. The slave, being treated as property, and not allowed legal rights, cannot be under legal obligations.

Slavery is also inconsistent with the moral nature of man. Each man has an individual worth, significance, and responsibility; is bound to the work of self-improvement, and to labour in a sphere for which his capacity is adapted. To give up his individual liberty, is to disqualify himself for fulfilling the great objects of his being. Hence political societies, which have made a considerable degree of advancement, do not allow any one to resign his liberty, any more than his life, to the pleasure of another. In fact, the great object of political institutions in civilised nations, is to enable man to fulfil, most perfectly, the ends of his individual being. Christianity, moreover, which enjoins us, while we remain in this world, to regulate our conduct with reference to a better, lays down the doctrine of brotherhood and mutual love, of "doing as we would

be done by," as one of its fundamental maxims, which is wholly opposed to the idea of one man becoming the property of another. These two principles of mutual obligation, and the worth of the individual, were beyond the comprehension of the states of antiquity, but are now at the basis of morals, politics, and religion. In the most cultivated states of antiquity, the individual, as such, was little regarded. He was considered only as a citizen of a body politic. In fact, whilst we found the whole idea of the state on the prior idea of the individual, the state with them was the primitive idea, from which the individual received his significance and worth, for they did not consider the individual as a being placed on earth for the purpose of self-improvement, to promote which political societies are formed. To foreigners they gave the name of barbarians, enemies, slaves.

Aristotle, one of the most powerful minds of antiquity, says, in his politics, "With barbarians, the family consists of male and female slaves; but to the Greeks belong dominion over the barbarians, because, the former have the understanding requisite to rule, the latter the body only to obey." He calls the slave a living instrument, as the instrument is an inanimate slave. Yet he adds, "for the slave, considered simply as such, no friendship can be entertained; but it may be felt for him, as he is a man." We perceive here the nobleness of his nature struggling with the limited ideas of his age. We find several traces of a similar feeling among men of elevated character. Plutarch, for instance, in his life of Numa, expresses his belief in an early golden age, when there were neither masters nor slaves.

NOTE B. PAGE 158.

"Cyprianus Januario, Maximo, Proculo, Victori, Modiano, Nemesiano, Nampulo, et Honorato fratribus salutem. Cum maximo animi nostri gemitu et non sine lacrymis legimus litteras vestras, fratres carissimi, quas ad nos pro dilectionis vestræ sollicitudine de fratrum nostrorum et sororum captivitate fecistis. Quis enim non doleat in ejusmodi casibus, aut quis non dolorem fratris sui suum propium computet, cum loquatur apostolus Paulus et dicat: *Si patitur unum membrum, compatiuntur et cætera membra: si lætatur membrum unum, collætantur et cætera membra.* (1. ad Cor. 12.) Et alio loco: *Quis infirmatur,* inquit, *et non ego infirmor.* (2. ad. Cor. 11.) Quare nunc et nobis captivitas fratrum nostra captivitas computanda est, et periclitantium dolor pro nostro dolore numerandus est, eum sit scilicet adunationis nostræ corpus unum, et non tantum dilectio sed et religio instigare nos debeat et confortare ad fratrum membra redimenda. Nam cum denuo apostolus Paulus dicat: *Nescitis quia templum Dei estis, et Spiritus Dei habitat in vobis?* (1. ad Cor. 3.) etiamsi charitas nos minus adigeret ad opem fratribus ferendam, considerandum tamen hoc in loco fuit, Dei templum esse quæ capta sunt, nec pati nos longa cessatione et neglecto dolore debere, ut diu Dei templa captiva sint; sed quibus possumus viribus elaborare et velociter gerere ut Christum judicem et Dominum et Deum nostrum promereamur obsequiis nostris. Nam cum dicit Paulus apostolus, *Quotquot in Christo baptizati estis, Christum induistis,* (ad Gal. 3.) in captivis

fratribus nostris contemplandus est Christus et redimendus de periculo captivitatis, qui nos de diaboli faucibus exuit, nunc ipse qui manet et habitet in nobis de barbororum manibus exuatur, et redimatur nummaria quantitate qui nos cruce redemit et sanguine . . . . . .

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Quantus vero communis omnibus nobis mœror atque cruciatus est de periculo virginum quæ illic tenentur? pso quibus non tantum libertatis, sed et pudoris jactura plangenda est, nec tam vincula barbarorum quam lenonum et lupanarium stupra deflenda sunt, ne membra Christo dicata et in æternum continentiæ honorem pudica virtute devota, insultantium libidine et contagione fœdentur? Quæ omnia istic secundum litteris vestras fraternitus nostra cogitans et dolenter examinans, prompte omnes et libenter ac largiter subsidia nummaria fratribus contulerunt . . . . . .

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Misimus autem sestertia centum millia nummorum, quæ istic in ecclesia cui de Domini indulgentia præsumus, cleri et plebis apud nos consistentis collatione, collecta sunt, quæ vos illic pro vestra diligentia dispensabitis . . . . .

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Si tamen ad explorandam nostri animi charitatem, et examinandi nostri pectoris fidem tale aliquid acciderit, nolite cunctari nuntiare hæc nobis litteris vestris, pro certo habentes ecclesiam nostram et fraternitatem istic universam, ne hæc ultra fiant precibus orare, si facta fuerint, libenter et largiter subsida præstare" (Epist. 60.) . . . . . .

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NOTE C. PAGE 304.

"Many Italian, French, and Flemish monks, were intrusted with diplomatic missions to the Grand Khan. Many Moguls of rank, visited Rome, Barcelona, Valencia, Paris, London, and Northampton; and a Franciscan, from Naples, was archbishop of Pekin. His successor, was a professor of theology, from the University of Paris. But how many other persons less known would follow in the suite of these personages, either as slaves, or attracted by the hope of gain, and the desire of visiting countries hitherto unknown! Chance has preserved the names of some of these. The first envoy, whom the Tartars sent to the King of Hungary, was an Englishman who had been banished for his crimes, and who, after wandering for some time in Asia, at length took service with the Moguls. A Flemish cordelier, met with a woman of Metz, named *Paquette*, in the wilds of Tartary, who had been carried off from Hungary; also a Parisian goldsmith, who had a brother living in Paris; and a young man from Rouen, who had been at the siege of Belgrade. He also saw Russians, Hungarians, and Flemings. A chanter, named *Robert*, who had travelled all through Asia, returned home, and died in the Cathedral of Chantres. A Tartar supplied helmets to the army of Philip-le-Bel. Jean de Plancarpin, met a Russian gentleman near Gayouk, whom he calls *Temer*, and who acted as an interpreter; many merchants from Breslau, Poland, and Austria, accompanied

him in his journey into Tartary. Others returned with him through Russia,—mostly Genoese, Pisans, and Venetians. Two merchants from Venice, whom chance had led to Bokhara, followed a Mogul sent by Houlagou to Kublai-Khan. They remained many years in China and Tartary; returned with letters from the Grand Khan to the Pope; again revisited the Grand Khan, one of them carrying with him his son, the celebrated Marco Polo; and, after remaining some time with Kublai Khan, returned to Venice. Journeys of this kind were not less frequent in the succeeding century. Amongst them may be named those of John Mandeville, an English physician, Oderic de Frisal, Pegoletti, William de Bouldeselle, and many others. We may readily imagine that the travels, of which the remembrance has been preserved, form a very small proportion of those which were undertaken; and that in those days, many more persons were able to perform distant journeys, than to write an account of them. Many of these adventurers, also, would establish themselves, and die in the countries that they visited. Others would return to their homes, as undistinguished as when they left them; but having their imaginations filled with what they had seen, they would describe their travels to their families, and doubtless exaggerate everything that had happened to them. Their recitals, however, though mingled with many ridiculous fables, would leave behind them useful recollections and traditions, capable of being turned to advantage. Thus, in Germany, in Italy, and in France, in the monasteries, amongst the nobles, and even in the lowest ranks of society, many precious seeds were sown, destined to bear fruit at a later period. These ignorant travellers, carried the arts of their country into distant lands, and brought back with them in return other acquisitions, not less valuable; thus, unconsciously, being the means of effecting exchanges, much more important than those of commerce. By their means, not only was the trade in silk, in porcelain, and other Indian commodities, much extended, and facilitated, and new outlets opened to industry, and commercial activity; but, what was much better, foreign manners, unknown nations, and extraordinary productions, were presented to the imagination of Europeans, which, since the fall of the Roman Empire, had been confined within too narrow a circle. The most anciently civilised, the finest and most populous of the four quarters of the globe, at length became of some importance to Europe. The arts, the religions, and the languages of the East, began to be studied; and it was in contemplation to found a professorship of the Tartar language in the University of Paris. Exaggerated tales, which however were soon investigated and appreciated, diffused more varied and accurate ideas. The world seemed to be extended in the East; geography was prodigiously improved; the passion for new discovery became the form under which the adventurous spirit of Europe appeared. The idea of another hemisphere, was divested of improbability, when our own portion of the globe was better known:—it was in endeavouring to trace the Zipangri of Marco Polo, that Columbus discovered the New World."—*M. Abel Remusat.*

NOTE D. PAGE 444.

CENTURY I.

SOVEREIGN PRINCES.—*Roman Emperors.*—Augustus, A.D. 14.—Tiberius, 37.—Caligula, 41.—Claudius, 54.—Nero, 68.—Galba, 69.—Otho, 69.—Vitellius, 70.—Vespasian, 79 —Titus, 81.—Domitian, 96.—Nerva, 98.

POPES OR BISHOPS OF ROME.—The succession of the first bishops of Rome is a matter full of intricacy and obscurity. We shall herein follow the learned Bishop Pearson:—Linus.—Anacletus.—Clement.—Evaristus.—Alexander.—The dates of the deaths of the Roman pontiffs are not the same in the accounts of chronologers. Petau, Fleury, Pearson, Marcel, Pfaff, Bower, Lenglet, and others, differ frequently in this respect; and their differences sometimes are considerable. For example, the death of Pope Anicetus is placed by Petau and Lenglet in the year 161, by Pearson and Pfaff in 162, by Fleury, Walch, and Bower, in 168. As it is impossible to reconcile these historians, and difficult often to decide which calculates best, we shall follow Pearson and Pfaff as the surest guides.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—The Evangelists and Apostles.—The three Apostolical Fathers, Clement, Barnabas, Hermas.—Philo the Jew.—Flavius Josephus.—These are almost all the genuine ecclesiastical writers of the first century that are now extant. For the letter of Jesus Christ to Abgarus, king of Edessa—the Gospels, Acts, Epistles, and Liturgies, that have (besides those which we esteem canonical) been attributed to the Apostles—as also the Epistles of Mary to Ignatius and others—the Acts of Pilate—the Epistles of Seneca to St. Paul, &c., must be considered as apocryphal and spurious.—The works that bear the name of Dionysius the Areopagite, were forged in the fifth century.

REMARKABLE EVENTS.—The tax of Augustus Cæsar.—The birth of Christ.—John the Baptist beheaded.—Christ's miracles, sufferings, death, resurrection, and ascension.—Several Christian churches founded.—The first persecution, under Nero.—The oracles reduced to silence, a dubious, or rather a fabulous story.—The destruction of Jerusalem.—The second persecution of the Christians under Domitian.

PROFANE AUTHORS.—Titus Livius.—Germanicus.—Gratius.—Ovid.—Julius Hyginus.—Labeo.—Valerius Maximus.—Phædrus.—Verrius Flaccus.—Strabo—Dionysius of Alexandria.—Seneca the rhetorician.—Seneca the philosopher and poet.—Vell. Paterculus.—Cremutius Isidore, of Charax.—Celsus, physician.—Massur. Sabinus. — Didymus of Alexandria. — Cocceius Nerva. — Philo the Jew.—Pomponius Mela.—Columella.—Remm. Palæon.—Votienus. —Servilius Marcus.—Annæus Cornutus.— Lucan.—Andromachus.—Petronius.—Persius.—Epictetus.—Dioscorides.—Flavius Josephus.—Silius Italicus—Valerius Flaccus.—Pliny the elder.—Pliny the younger.—Ascan. Pedianus. —Plin. Valerianus.—Juvenal.—Martial.—Statius.—Sext. Jul.—Frontinus.—Quintilian.— Dion. Chrysostom. — Tacitus. — Phlegon. — Appian. — Trogus Pompeius.—Athenodorus.

CENTURY II.

SOVEREIGN PRINCES.—*Roman Emperors.*—Trajan, A.D. 117.—Adrian, 138.—Anton. Pius, 161.—M. Antoninus, 180.—Lucius Verus, 180.—Commodus, 192.—Pertinax, 193.—Did. Julianus, 193.—Niger, 194.—Albinus, 198.—Severus.

POPES, OR BISHOPS OF ROME.—Xystus or Sextus, A.D. 127.—Telesphorus, 138.—Hyginus, 150.—Pius I., 153.—Anicetus, 162.—Soter.—172.—Eleutherius, 185.—Victor I., 196.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Ignatius of Antioch.—Polycarp.—Justin Martyr.—Hegesippus.—Theophilus of Antioch.—Melito.—Tatian.—Papias.—Appolinaris.—Hermeas.—Athenagoras.—Clemens Alexandrinus.—Tertullian.—Aquila.—Theodotian.—Symmachus.—Hermeas.—The unknown author of the Sibylline Oracles.—Irenæus.—Polycrates.—Dionysius of Corinth.—Pantænus.—Quadratus.—Add to these several fragments of writings of some of the principal heretics. These fragments are collected by Cotelerius, Grabr, &c.

REMARKABLE EVENTS.—Third persecution under Trajan, mitigated by the intercession of Pliny the younger.—Fourth persecution under Adrian.—Fifth persecution under Antoninus Pius, continued under Marcus Aurelius and Lucius Verus.—Conversion of the Germans and Gauls, and (if we may give credit to Bede) of the Britons.—Thundering Legion, a dubious event.—Insurrections of the Jews against the Romans.—The sedition and slaughter of that people under the standards of Barcocheba, the false Messiah.—The Jews driven from Jerusalem.—Horrible calumnies thrown out against the Christians by Lucian, Crescens, Celsus, and the Pagans in general.—The perusal of the Sibylline oracles prohibited by an imperial edict.—Christian assemblies are held on Sundays, and other stated days, in private houses, and in the burying places of martyrs.

PROFANE AUTHORS.—Arrian.—Aulus Gellius.—Plutarch.—Florus.—Celsus the lawyer.—Œnomaus.—Philo of Phœnicia.—Ptolemy the astronomer and geographer.—Salvius Julianus.—Suetonius.—Apollonius the philosopher.—Appian.—Fronto.—Maximus Tyrius.—Taurus Calvisius.—Apuleius.—Artemidorus.—Lucian.—Numenes.—Pausanius.—Poliænus.—Sextus Empiricus.—Athenæus.—Julius Pollux.—Diogenes Laertius.—Gallienus.—Ammonius Saccas.—Priscus.—Cephalion.—Aristides.—Hermogenes, who, at the age of 17, published his Rhetoric; at 20, his book on Ideas; and at 25, is said to have forgot all he had learned.—Justin Martyr.—Theophilus of Antioch.—Chrysorus.—Marcus Antoninus.—Harpocration.—Polyænus.—Athenagoras.—Celsus the philosopher.—Julius Solinus.—Plotinus.—Papinian.

CENTURY III.

SOVEREIGN PRINCES.—*Roman Emperors.*—Severus, A.D. 211.—Caracalla, 217.—Geta, 212.—Macrinus, 218.—Heliogabalos, 222.—Severus Alexander, 235.—Maximin, 237.—Gordian I., II., 237.—Pupienus, Balbinus, 238.—Gordian III., 244.—Philip the Arabian, supposed to have been the first Christian emperor, 250.—Decius, 252.—Gallus Volusianus, 253.—Æmilianus, 253.—Valerian, 259.—Gallienus, 268.—Claudius II., 270.—Quintilian, 270.—

Aurelian, 275.—Tacitus, 275.—Florianus, 276.—Probus, 282.—Carus, 283.—Carinus Numerianus, 284.—Diocletian.—Maximian.

POPES, OR BISHOPS OF ROME.—Zephirinus, A.D. 219.—Callixtus, 224.—Urban, 231.—Pontianus, 235.—Anterus, 236.—Fabianus, 251.—Cornelius, 254. A contest between him and Novatian.—Lucius, 256.—Stephen, 258.—Sextus II., 259.—Dionysius, 270.—Felix, 275.—Eutychianus, 283.—Caius Marcellinus, 296.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—The author of the acts of Perpetua and Felicitus.—Minutius Felix.—Hippolytus.—Ammonius.—Julius Africanus.—Origen.—Cyprian.—Novatian.—Gregor.—Thaum.—Dionysius, of Alexandria.—Pamphilus.—Anatolius.—Arnobius Africanus.—Commodianus.—Archelaus.—Lucianus.—Hesychius.—Methodius.—Theognostos.—Malchion.—Paul of Samosata.—Stephen R. Pont.—Eusebius, a deacon of Alexandria.—Dionysius R. Pont.—Basilides, bishop of Pentapolis.—Victorinus.—Prudentius.

REMARKABLE EVENTS.—Sixth persecution under Severus, in which Leonidas, Irenæus, Victor, bishop of Rome, Perpetua, Felicitas, and others, suffer martyrdom.—Seventh persecution under Maximum.—Eighth under Decius, in which Fabianus the Roman pontiff, Babylas, Alexander, and others, suffer martyrdom.—Ninth persecution under Valerian, in which Cyprian, Lucius, Stephen I., Sixtus I., and Laurentius, suffer.—Tenth persecution under Diocletian, Maximian, Galerias, and Maximin, is much more cruel than the preceding, and famous for the martyrdom of the Theban legion, which however is a very dubious story.—The Jewish Talmud and Targum composed. The Jews are allowed to return into Palestine.—Jewish schools erected at Babylon, Sora, and other places.—Remarkable deaths of persecutors related by Tertullian, Eusebius, and Lucius Cæcilius.—Many illustrious men and Roman senators converted to Christianity.—The origin of the monastic life derived from the austere manners of Paul the Theban, the first hermit.—Diocletian assumes the name and honours due to Jupiter, and orders the people to worship him.—Public churches, called in Greek built for divine worship.

PROFANE AUTHORS.—Ælius Maurus.—Oppian the poet.—Quintus Seren Sammonicus.—Julius Africanus.—Acolus.—Dion Cassius.—Ulpian.—Ephorus.—Censorinus.—C. Curius Fortunatus.—Herodian.—Nicagoras.—Quadratus.—Amelius.—Gentilianus.—Erennius.—Dixippus.—Cassius Longinus.—Julius Capitolinus.—Ælius Lampridius.—Trebellius.—Pollio.—Porphyry.—Ælius Spartianus.—Flavius Vopiscus.—M. Aurel. Olymp. Nemesianus.—Alexander, a Greek philosopher.—Philostratus.—Julius Paulus.—Sextus Pomponius.

CENTURY IV.

SOVEREIGN PRINCES.—*Roman Emperors.*—Diocletian and Maximian abdicate the empire, A.D. 305.—Galerius, 311.—Constantius, 306.—Constantine the Great, 337.—His adversaries, Maximin, 313.—Maxentius, 312.—Licinius 325.—Constantine II., 338.—Constantius, 361.—Constans, 350.—Julian the apostate, 363.—Jovian, 364.—Valentinian, 375.—Valens, 378.—Gratian, 383.

Valentinian II., 392.—Theodosius [the Great, 395.—The division of the Roman empire into the Eastern and Western Empires.—*The Visigoths settle in Gaul and Spain about the latter end of this century.*—Athanaric, 382.—Alaric.

POPES, OR BISHOPS OF ROME.—Marcellinus, A.D. 304.—Marcellus, 309.—Eusebius, 311.—Melchiades, 313.—Sylvester, 335.—Mark, 336.—Julius, 352.—Liberius, 367. A schism between Liberius and Felix.—Damascus, 384. A new schism between this pontiff and Ursinus.—Syricius, 398.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Lactantius Firm.—Lucius Cæcilius.—Dorotheus, bishop of Tyre.—Eusebius, bishop of Cæsarea.—Constantine the Great.—Eustathius, bishop of Antioch.—Commodianus.—Alexander, bishop of Alexandria.—Juvencus.—Athanasius, bishop of Alexandria.—Antonius, who, with Paul the hermit, was the first instituter of the monastic life.—Marcellus, bishop of Ancyra.—Theodore, bishop of Heraclea. Julius, bishop of Rome.—J. Fir. Maternus.—Pachomius.—Eusebius, bishop of Emessa.—Serapion.—Cyril, bishop of Jerusalem.—Hilarius, bishop of Poitiers.—Lucifer, bishop of Cagliari.—Phœbadius, bishop of Agen.—Eunomius.—Zeno, bishop of Verona.—Titus, bishop of Bostra.—Damascus bishop of Rome.—Epiphanius, bishop of Salamis.—Optatus, bishop of Milevi.—Pacianus.—Marius Victorinus.—Liberius, bishop of Rome.—Ephraim the Syrian.—Didymus of Alexandria.—Basil, bishop of Cæsarea.—Gregory, bishop of Nazianzum.—Gregory, bishop of Nyssa.—Amphilochius, bishop of Iconium.—Hegesippus.—Apollinarius, father and son.—Eusebius, bishop of Verceil.—Diodore, bishop of Tarsus.—Proba Falconia.—The three Macarii.—Ambrose.—Jerome.—Ruffinus.—Philastrius.—Paulinus, bishop of Aola.—Augustin. John Chrysostom.

REMARKABLE EVENTS.—Tenth persecution continued.—Athanasians or orthodox persecuted by Constantius, who was an Arian, and by Valens, who ordered 80 of their deputies, all ecclesiastics, to be put on board a ship, to which fire was set as soon as it was got clear of the coast.—Christians persecuted by Sapor.—Supposed conversion of Constantine the Great, by a vision representing a fiery cross in the air.—First general council held at Nice, in 325. In it the opinions of Arius were condemned, and popes declared equal in dignity with other Christian bishops.—Second general council held in 381, at Constantinople.—Remarkable progress of the Christian religion among the Indians, Goths, Marcomanni, and Iberians.—Famous donation of Constantine in favour of the Roman see: mere fable.—Miraculous defeat of Eugenius by Theodosius.—Julian's attempt to invalidate the predictions of the prophets, by encouraging the Jews to rebuild the temple of Jerusalem, defeated by an earthquake and fiery eruption. See Bishop of Gloucester's interesting and ingenious work, entitled, Julian, or a Discourse, &c.—Theodosius the Great obliged by Ambrose, bishop of Milan, to do public penance for the slaughter of the Thessalonians.—Clerical orders augmented by new ranks of ecclesiastics, such as archdeacons, country bishops, archbishops, metropolitans, exarchs, &c.

PROFANE AUTHORS.—Ælius Donatus.—Servius.—Helladius.—Andronicus.—Nonius.—Marcellus.—Sext. Aurelius Victor.—Maximus of Smyrna, who is

supposed to have taught the Emperor Julian magic.—Oribases.—Eutropius.—Libanius.—Ausonius.—Pappus, the famous mathematician.—Prudentius.—Rufus.—Festus Avienus.—Themistius.—Flavius Vegetius.—Hierocles.—Julian.—Ammianus Marcellinus.—Symmachus.—Lactantius.—Jamblichus.—Ælius Lampridius.—Eusebius of Cæsarea.—Jul. Fermicus Maternus.—Chalcidius.—Pomponius Festus.—Quintus Curtius.—Macrobius.

CENTURY V.

Sovereign Princes.—*Emperors of the West.*—Honorius, A.D. 423.—Valentinian, 455.—Maximus, 455.—Avitus, 456.—*Majoranus*, 461.—Severus, 465.—Anthemius, 472.—Olybrius, 472.—Glycerius, deposed in 474.—Julius Nepos, deposed in 475.—Romulus Augustulus who reigned till the 23rd of August, when Odoacer took the title of king of Italy, and put an end to the western empire.—*Kings of Italy.*—Odoacer, 493.—Theodoric.—*Emperors of the East.*—Arcadius, 408.—Theodocius II., 450.—Marcianus, 457.—Leo I., 474.—Leo II., 474.—Zeno Isaur, 491.—Anastasius.—*Gothic Kings of Spain.*—Alaric, 411.—Ataulphus, 415.—Sigeric, 415.—Vallia, 420.—Theodoric, 451. Thorismond, 452. Theoderic II., 466.—Euric, 484.—Alaric II.—*Kings of France.*—Pharamond, first king, 420.—Clodion, 451.—Merovæus, 456.—Childeric, 481.—Clovis I.—*The Kings of the Vandals in Africa, where they settled in the year* 429.—Genoseric, 466.—Hunerie, 484.—Gontamond, 496.—Thrasamond.—*Kings of England.*—Vortigern.—Kingdom of Kent founded by Hengist the Saxon, in 457, that of Sussex by Ælla, in 491.

Popes, or Bishops of Rome.—Anastacius, A.D. 402.—Innocent, 417.—Zosimus, 418.—Boniface I., 423.—A schism between the pope and Eulalius. Celestine I., 432.—Sextus III., 440.—Leo the Great, 451.—Hilarius, 467.—Simplicius, 483.—Felix III., 492,—Gelasius, 496.—Anastasius II., 498.—Symmachus I.—A schism between him and Laurentius.

Ecclesiastical and Theological Writers.—Gaudentius, bishop of Bresse.—Sulpicius Severus.—Palladius.—Heraclides.—Innocentius.—Polybius.—Pelagius.—Cœlestius.—Theodore, bishop of Mopsuesta.—Polychronius.—Nonnus.—Synesius.—Isidore of Pelusium.—Cyril of Alexandria.—Orosius.—Marius Mercator.—Maximus, bishop of Turin.—Theodoret.—Cassian.—Peter Chrysologus.—Hilarius.—Philostorgius.—Vincent of Lerins.—Socrates.—Sozomenes.—Leo the Great.—Prosper.—Idacius.—Basil.—Seleucus.—Arnobius the younger.—Claudian Mamertus.—Faustus.—Felix the Roman pontiff.—Vigilius Tapsensis, supposed by some learned men to have been the author of what is commonly called the Athanasian Creed.—Victor the African.—Gennadius.—Zosimus.—Prosper.—Sidonius Apollinar.—Æneas Gaza.

Remarkable Events.—Foundation of the French monarchy by Pharamond, or rather by Clovis.—Third general council held at Ephesus, at which Nestorius was deposed, in 431.—Fourth general council held at Chalcedon, against Eutyches, in 451.—Progress of Christianity among the Franks and Germans.—Conversion of the Irish to the Christian faith attempted in vain by Palladius, but effected by St. Patrick, whose original name was Succathus, who arrived in Ireland in 432.—Terrible persecutions carried on

against the Christians in Britain, by the Picts, Scots, and Anglo-Saxons;—in Spain, Gaul, and Africa, by the Vandals;—in Italy and Pannonia, by the Visigoths;—in Africa by the Donatists and Circumcellians; in Persia, by Isdegerdes;—besides the particular persecutions carried on alternately against the Arians and Athanasians.—Extinction of the western empire.—Theodocian code drawn up.—City of Venice founded by the inhabitants of the adjacent coast, who fled from the incursion of the barbarians.—Felix III., bishop of Rome (whom Bowers and others look upon as the second pope of that name), is excommunicated, and his name struck out of the diptyes, or sacred registers, by Accacius, bishop of Constantinople.

PROFANE AUTHORS.—Anientus.—Martianus Capella.—Claudian.—Eunapius.—Macrobius.—Olympiodorus.—Orosius.—Peutinger.—Rutilius Claudius Numantianus.—Servius Honoratus.—Sidonius Apollinaris.—Candidus the Isaurian.—Zosimus the historian.—Idacius.—Quintus, or Cointus.—Priscus.—Musæus.—Proclus.—Simplicius.

CENTURY VI.

SOVEREIGN PRINCES.—*Kings of Italy.*—Theodoric, A.D. 526.—Athalaric, 534.—Amalasuntha, 534.—Theodatus, 536.—Vitiges, 540.—Ildebald, 541.—Totila, 553.—Tejas, 554.——*Emperors of the East.*—Anastasius, 518.—Justin I., 527.—Justinian, 565.—Justin II., 578.—Tiberius II., 586.—Mauritius.——*Gothic Kings of Spain.*—Alaric, 507.—Gesalric, 512.—Amalaric, 531.—Theuda, 548.—Theudisilla, 548.—Agili, 552.—Athanagilda, 567.—Linva, 568.—Leunigild, 585.—Richared.—These princes were masters also of Narbonne and Aquitaine.——*Kings of England.*—Third Saxon kingdom founded in England by Cerdic, in 514, and called the kingdom of the West Saxons.—Fourth, that of the East Saxons, by Erchenwen, in 527.—Fifth, that of Northumberland, by Ida, in 547.—Sixth, that of the East Angles, by Effa, in 575.—Seventh, that of Mercia, by Cridda, in 582.—Thus was successively formed the Saxon Heptarchy.——*Kings of France.*—Clovis I., 511.—Kingdom divided between his four sons, viz., Thiery, Metz, 534.—Clodomir, Orleans, 524.—Childebert, Paris 558.—Clotaire, Soissons, 562.—Second division of the kingdom between the four sons of Clotaire I., viz., Cherebert, Paris, 566.—Gontran, Orleans, 593.—Childeric, Soissons, 584.—Sigibert, Metz, 575.—*Kings of the Vandals in Africa.*—Thrasamond, 523.—Hilderic, 530.—Gilimer, defeated and taken prisoner by Belisarius, in 534.—By this event Africa became again subject to the Emperors of the East.——*Kings of the Lombards who entered Italy in* 568.—Alboinus, 571.—Clephis, 573, Antharis, 590.—Agilulf.——*Exarchs of Ravenna.*—Longinus, 583.—Smaragdus, 588.—Romanus, 598.—Callinicus.

POPES, OR BISHOPS OF ROME.—Symmachus, 514.—Hormisdas, 523.—John I., 526.—Felix IV., 529.—Boniface II., 531. A schism between Boniface and Dioscorus.—John II., 535., Agapetus I., 536.—Sylverius. 540. A schism between Sylverius and Virgilius.—Virgilius, 555.—Pelagius I.,558.—John III., 572.—Benedict I., 577.—Pelagius II., 590.—Gregory I., 604.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Cæsarius, bishop of Arles.—Fulgentius, bishop of Ruspa.—Boethius.—Timothy of Constantinople.—

Ennodius.—Severus.—Cassiodorus.—Procopius.—Peter the Deacon.—Maxentius, a Scythian Monk.—Donysius the Little.—Fulgentius Ferrandus.—Marcellinus.—Zachary the Schoolman.—Hesychius.—Facundus Hermianus. Pope Vigilius.—Rusticus, a Roman deacon.—Junilius Victor, of Capua.—Primasius.—Jornandes.—Liberatus Victor, the African.—Venantius Fortunatus.—Anastasius of Mount Sinai, afterwards bishop of Antioch.—John, the Schoolman.—Cosmas.—Gildas.—Leander.—John of Constantinople.—Columbanus.—Leontius Bysant.—Leontius of Cyprus.—Gregory the Great.—Isidorus of Seville.—Lucius Carinus.—Proclus Diadochus.

Remarkable Events.—Several nations converted to Christianity.—Benedictine order founded.—Forty Benedictine monks, with Augustin at their head, are sent into Britain by Gregory the Great, in 596, who convert Ethelbert, king of Kent, to the Christian faith.—Kingdom of the Ostrogoths destroyed by Justinian, who becomes master of Italy.—Lombards invade Italy in 568, and erect a new kingdom at Ticinum.—Christians are persecuted in several places.—Orthodox are oppressed by the emperor Anastasius, Thrasamond, king of the Vandals, Theodoric, king of the Ostrogoths, &c.—Christian era formed this century, by Dionysius the Little, who first began to count the course of time from the birth of Christ.—Justinian code, Pandect, Institutions, and Novellæ, collected and formed into a body.—Fifth general council assembled at Constantinople, in 553, under Justinian I.

Learned Men, Historians, Philosophers, and Poets.—Justinian.—Boethius.—Procopius.—Trebonian.—Agathias, who continued the history composed by Procopius.—Jornandes.—Gregory of Tours.—Marius, bishop of Avranches, an eminent historian.—Menander, the historian.—Stephen of Byzantium.—Magn. Aurelius Cassiodorus.—Dionysius the Little.

CENTURY VII.

Sovereign Princes.—*Emperors of the East.*—Mauritius, A.D. 602.—Phocas 610.—Heraclius, 641.—Constantine III., 641.—Heraclianus, 642.—Constans II., 668.—Constantine IV., 685.—Leontius, 698.—Tiberius III., 703—Justinian II.——*Kings of the Goths in Spain.*—Victeric.—Gondemar.—Sisebut, 621.—Recarede II., 621.—Suinthila, 631.—Sinenand, 636.—Chintila, 640.—Tulga, 642.—Cindevind, 649.—Recesuinthe, 672.—Vamba, 680.—Ervige, 687.—Egica.——*Kings of France.*—Clotaire II., 628.—Dagobert, 638.—Sigibert II., 654.—Clovis II., 660.—Clotaire III., 668.—Childeric II., 673.—Dagobert II., 679.—Theodoric III., 690.—Clovis III., 695.—Childebert III.—The race of the idle kings begins with Theodoric III., and ends with Childeric III.——*England.*—The Heptarchy.——*Kings of the Lombards in Italy.*—Agilulph, 616.—Adaloaldus, 626.—Ariovaldus, 638.—Rotharis, 653.—Rodoald, 656.—Aripert, 662.—Gondipert, 662.—Grimoald, 673.—Garibald, 673.—Pertharit, 689.—Cunipert, 701.——*Exarchs of Ravenna.*—Samaragdus, 610.—John, 615.—Eleutherius, 617.—Isaac, 643.—Theodorus Calliopa, 649.—Olympius, 650. Theodorus Calliopa, 686.—Theodorus, 687.—Joannes Plato, 702.

Popes, or Bishops of Rome.—Sabinianus, 605.—Boniface III., 606.—Boniface IV., 614.—Deodatus, 617.—Boniface V., 625.—Honorius I., 638.—Severinus I., 639.—John IV., 641.—Theodorus I., 648.—Martin I., 655.—

Eugenius I., 656.—Vitalianus, 671.—Adeodatus, 676.—Domnus, 678.—Agatho, 682.—Leo II., 684.—Benedict II., 685.—John V., 686.—Conon, 687.—Sergius I., 701.—A schism occasioned by the pretensions of Theodore and Paschalis.

Archbishops of Canterbury.—Augustin, first archbishop of Canterbury, was nominated to that high office, in 597, by Gregory the Great, bishop of Rome, with the consent of Ethelbert, king of Canterbury. He died in 611.—Laurence, 619.—Mellitus, 624.—Justus, 634.—Honorius, 653.—Adeodatus, 664.—Theodore, 690.—Brithwald.

Ecclesiastical and Theological Writers.—John Philoponos.—John Malela.—Hesychius of Jerusalem.—Theophylact.—Simocatta.—Antiochus.—Modestus.—Cyrus of Alex.—Jonas.—Gallus.—John Moschus.—Andreas Damascenus.—George Pisides.—Eligius.—The two Theodores.—Paulus.—The Emperor Heraclius.—Maximus Conf.—Theodore the Monk.—The Emperor Constans II.—Martin, bishop of Rome.—Maurus of Ravenna.—Anastasius, a monk—a Rom. presb.—Fructuosus, Hisp.—Peter, metropolitan of Nicomedia.—Julian Pomerius.—Agatho.—John of Thessalonica.—Crescconus.—Ildefonsus.—Marculph.—Maccarius.—John Climachus.—Fortunatus Venant.—Isidore of Seville, who composed Commentaries on the Historical Books of the Old Testament, and is acknowledged to have been the principal author of the famous Mesarabic Liturgy, which is the ancient Liturgy of Spain.—Dorotheus.—Sophronius, bishop of Jerusalem.

Remarkable Events.—An extraordinary progress is made in the conversion of the English.—The archbishopric of London and York are founded, with each 12 bishopries under its jurisdiction.—The archbishopric of London is translated to Canterbury.—The gospel is propagated with success in Holland, Friesland, and Germany.—The schism between the Greek and Latin churches, commences in this century.—The rise of Mahomet, and the rapid progress of his religion, which is propagated by fire and sword.—The Mahometan era, called the Hegira, commences with the year of Christ, 622.—The destruction of the Persian Monarchy, under the reign of Isdegerdes III.—Boniface IV. receives from that odious tyrant Phocas (who was the great patron of the popes, and the chief promoter of their grandeur) the famous Pantheon, which is converted into a church.—Ina, king of the West Saxons, resigns his crown, and assumes the monastic habit in a convent at Rome. During the Heptarchy, many Saxon kings took the same religious turn.—Pope Agatho ceases to pay the tribute which the see of Rome was accustomed to pay the emperor at the election of its pontiff.—The sixth general council is held at Constantinople, under Constantine Pogonatus.—The seventh, which is looked upon by some as a kind of supplement to this, was held in the Trullus, under Justinian II, in the year 692, and is called Quinisextum.

Profane Authors.—The author of the Alexandrian Chronicle.—Isidore of Seville, who besides his theological productions, composed a history of of Goths and Vandals, and a work entitled, Etymologicon Scientiarum, in which he gives an account of the origin and nature of the different sciences.—In this century commenced that long period of ignorance and darkness which remained until the light of the Reformation arose.

CENTURY VIII.

SOVEREIGN PRINCES.—*Emperors of the East.*—Justinian II., A.D. 711.—Philippicus, 713. Anastasius II., 714. Theodosius III., 716. Leo III. Isaur., 744. Constantine V. Copron., 775. Leo IV., 780. Constantine VI. Porphyr., 797. Irene.——*Kings of the Visigoths in Spain.*—Egica, 700. Vitiza, 710. Rhoderic, the last king of the Goths, 713. *Kings of Leon and the Asturias.*—Pelagius, 737. Favila, 739. Alphonso, 757. Froila, 768. Aurelio, 774. Silo, 783. Mauregat, 788. Veremond, 791. Alphonso II. *Kings of France.*—Childebert III., 711. Dagobert III., 715. Childeric II., 720. Theodoric IV., 736. Interregnum, from the year 737 to 743, during which time Carloman and Pepin, sons of Charles Martel, governed without the regal title. Childeric III. dethroned in 750. The last king of the first race. *Second Race.*—Pepin, 768. Charlemagne. *England.*—The Heptarchy. *Kings of the Lombards in Italy.* Luitpert, 704. Ragumbert, 740. Aripert, 712. Ansprand, 717. Luitprand, 736. Hildebrandt, 744. Rachis, 750. Aistulphus, 756. Desiderius, 773. The kingdom of the Lombards, which subsisted during the space of 206 years, was overturned by Charlemagne, who, having defeated Desiderius, caused himself to be crowned king of the Lombards, in the year 774. *Exarchs of Ravenna.* Theophylact, 710. Jo. Procopius, 712. Paul, 729. Eutychius, 752. The Exarchate subsisted during the space of 185 years. It ended in the reign of Aistulphus, king of the Lombards, who reduced Ravenna, and added it to his dominions. But this prince was obliged by Pepin, king of France, to surrender the Exarchate, with all its territories, castles, &c., to be for ever held by Pope Stephen III. and his successors in the see of Rome. This is the true foundation of the temporal grandeur of the popes.

POPES, OR BISHOPS OF ROME. John VI., 705. John VII., 707. Sisinius 708. Constantine, 714. Gregory II., 731. Gregory III., 741. Zachary, 752. Stephen II., 752. Stephen III., 757. Paul I., 767. A schism between Paul and Theophylact. Stephen IV., 772. A schism between Constantine, Philip, and Stephen IV. Adrian, 795. Leo III.

ARCHBISHOPS OF CANTERBURY. Britwald, 731. Tatwin, 734. Nothelm, 741. Cuthbert, 758. Bregwin, 762. Lambert, 790. Athelard.

ECCLESIASTICAL AND THEOLOGICAL WRITERS.—Venerable Bede. John Damascenus. The anonymous author of a book entitled, Ordo Romanus de Divinis Officiis, published in the Bibl. Patr. Charlemagne, see the Capitularia, published by Baluzius, at Paris, in 1677, and the Codex Carolinus, published at Ingolstadt, in 1634, by Gretzer. Ambrosius Authbertus. The popes Gregory I., Gregory II., and Adrian Florus. Paul the Lombard. Paulinus, bishop of Aquileia. Alcuin, a native of England, and one of the principal instruments made use of by Charlemagne for the restoration of learning. He is considered by Du Pin, as the person that first introduced polite literature into France, and it is to him that the universities of Paris, Tours, Soissons, &c., owe their origin. Felix, Archbishop of Ravenna. Germanus, bishop of Constantinople. The unknown author of a book entitled, Liber Diurnus Pontificum Romanorum. Egbert, archbishop of York. Bartholomew, a monk of Edessa, who refuted the Alcoran. Boniface, archbishop of Mentz, commonly called the Apostle of Germany. Anastasius,

abbot in Palestine. Theophanes. Aldhelm, bishop of Shireburn, under the Heptarchy, and nephew to Ina, king of the West Saxons.

Remarkable Events. Rapid progress of the Saracens in Asia and Africa. The downfall of the kingdom of the Lombards and of the exarchate of Ravenna, the latter of which is granted to the see of Rome, by Pepin, king of France. Charlemagne adds to the grant of Pepin, several provinces; though the titles and acts of this grant have not been produced by the Roman Catholic historians. The ceremony of kissing the Pope's toe introduced. The Saxons, with Whittekind, their monarch, converted to Christianity. The Christians persecuted by the Saracens, who massacre five hundred monks in the abbey at Lerins. The Saracens take possession of Spain. Controversy between the Greek and Latin Churches. The Germans converted by Boniface. The gospel propagated in Hyrcania and Tartary. Churches built in honour of saints. Willebrod sent to convert the Frisons; he was the first bishop of Utrecht.

Profane Authors. Alcuin (see fourth head.) Bede. Fredagarius. John Damascenus. George Syncellus. Virgilius.

CENTURY IX.

Sovereign Princes.—*Emperors of the East.*—Irene, A.D. 802. Nicephorus, 811. Saturatius, 811. Michael Curopolites, 813. Leo Armen., 820. Michael Balb., 829. Theophilus, 842. Michael III., 867. Basilius I. Macedo, 886. Leo VI., Philos. *Emperors of the West.*—The Western Empire was restored in the year 800, in favour of Charlemagne, king of France. Charlemagne, 814. Lewis the Debonnaire, 840. Lothaire, 855. Lewis II., 875. Charles II., surnamed the Bald, 877. Lewis III., 879. Carloman, 880. Charles III., deposed, 887. After the death of this prince, (who was the last king of France that was emperor,) Germany and Italy were entirely separated from the French monarchy. Arnolph, 899. Lewis IV. *Kings of Spain, i. e. of Leon and the Asturias.* Alphonso the Chaste, 844. Ramiro, 851. Ordogno, 862. Alphonso III. *Kings of France.*—Charlemagne, 814. Lewis I. the Debonnaire, 840. Charles II. the Bald, 877. Lewis II., 879. Lewis III. and Carloman, 884. Charles III., 888. Endes, 898. Charles the Simple. *Kings of England.*—The Heptarchy finished by the union of the seven kingdoms under the government of Egbert. Egbert, 837. Ethelwolf, 857. Ethelbald 860. Ethelbert, 866. Ethelred, 871. Alfred the Great, 899. *Kings of Scotland.*—The history of Scotland is divided into four great periods. The first, which commences with Fergus I., 330 years before Christ, and contains a series of 68 kings, which ends with Alpinus, in the year 823, is looked upon as entirely fabulous. We shall therefore begin this chronological list with the second period, which commences with Kenneth II. Kenneth II., 854. Donald V., 859. Constantine II., 874. Ethus, 874. Gregory, 893. Donald VI. *Kings of Sweden.*—The origin of this kingdom is covered with uncertainty and fables. Some historians reckon 36 kings before Biorno III., but it is with this latter prince that chronologers generally begin their series. Biorno III., 224. Brantamond, 827. Sivard, 842. Heroth, 856. Charles VI., 868. Biorno IV., 883. Ingo, or Ingelde, 891.

POPES, OR BISHOPS OF ROME. Leo III. A.D. 816. Stephen V., 817. Paschal I., 824. Eugenius II., 827. A schism between Eugenius II., and Zizinus. Valentine, 827. Gregory IV., 843. Sergius II., 847. Leo IV. 855. Pope Joan. Benedict III., 858. A schism between Benedict and Anastasius. Nicolas I., 867. Adrian II., 872. John VIII., 882. Martin I., 884. Adrian III., 885. Stephen VI., 891. Formosus, 896. A schism between Formosus and Sergius. Boniface VI., 897. Stephen VII., 900. A schism between Stephen VII., John IX., Romanus I. and II., and Theodore II.

ARCHBISHOPS OF CANTERBURY. Athelard, 806. Wulfred, 830. Theogild, 830. Celnoth, 871. Athelred, 889. Plegmund.

ECCLESIASTICAL AND THEOLOGICAL WRITERS. Nicephorus, patriarch of Constantinople. Amalarius, bishop of Triers. Theodore Studita. Agobard, archbishop of Lyons. Eginhard. Claudius. Clement, bishop of Turin. Jonas, bishop of Orleans. Freculph, bishop of Lisieus. Moses Barcepha. Photius, patriarch of Constantinople. Theod. Abucara. Petrus Siculus. Nicetas David. Rabanus Maurus, archbishop of Mentz. Hilduin. Servatus Lupus. Drepanius Florus. Druthmar. Godeschalus. Pascasius Radbert, chief of the Transubstantiarians. Bertramn, or Ratramn, of Corby, who refuted the monstrous errors of Radbert, and was at the head of those who denied the corporeal presence of Christ in the Eucharist. Haymo, bishop of Halberstadt. Walfridus Strabo. Hincmar, archbishop of Rheims. John Scotus Erigena. Ansegisus. Florus Magister. Prudens, bishop of Troyes. Remy, of Lyons. Nicolas. Adrian. John VIII., pope. Anastasius, Bibl. Auxilius. Theodulph, bishop of Orleans. Smaragdus. Aldric, bishop of Mans. Ado of Vienna. Isidorus Mercator, author of the False Decretals. Jesse, bishop of Amiens. Dungal. Halitgaire, bishop of Cambray. Amulon, archbishop of Lyons. Vandalbert. Angelome Epiphanes, archbishop of Constantia, in the island of Cyprus. Herric. Reginon. Abbon. William, the librarian. Pope Formosus. Pope Stephen. Methodius, who invented the Sclavonian characters, and made a translation of the bible for the Bulgarians, which was used by the Russians. Alfred the Great, king of England, composed a Saxon Paraphrase on the Ecclesiastical History of Bede, a Saxon version of Orosius, and a Saxon Psalter. The Emperor Basilius Macedo. The Emperor Leo, surnamed the Philosopher.

REMARKABLE EVENTS. The conversion of the Swedes, Danes, Saxons, Huns, Bohemians, Moravians, Sclavonians, Russians, Indians, and Bulgarians, which latter occasions a controversy between the Greek and Latin churches. The cause of christianity suffers in the East under the Saracens, and in Europe under the Normans. The power of the pontiffs increases; that of the bishops diminishes; and the emperors are divested of their ecclesiastical authority. The Decretals are forged, by which the popes extended the limits of their jurisdiction and authority. Monks and abbots now first employed in civil affairs, and called to the courts of princes. The Emperor Lewis II. is obliged, by the arrogant pontiff Nicolas I., to perform the functions of groom, and hold the bridle of this Pope's horse, while his pretended Holiness was dismounting. Photius, patriarch of Constantinople, excommunicates the pope. The University of Oxford founded by Alfred.

The sciences are cultivated among the Saracens, and particularly encouraged by the Caliph Almamon. Harold, king of Denmark, is dethroned by his subjects, on account of his attachment to Christianity. The University of Paris founded.

PROFANE AUTHORS. Photius. Smaragdus. Eginhard. Rabanus Mauras. Abbon. Harompert. Leon. Sergius. Methodius. Walafridus Strabo. John Scotus Erigena. Alfred the Great, king of England. His Saxon version of Orosius was never published. Abou-Nabas, an Arabian poet. The calif Mamon, an eminent mathematician and astronomer. N.B. Haroun, the father of this prince, sent to Charlemagne a striking clock, with springs and wheels, which was the first ever seen in France, and shows that, at this period, the arts were more cultivated in Asia than in Europe. Albategni the mathematician. Albumasar, the Arabian astronomer.

CENTURY X.

SOVEREIGN PRINCES.—*Emperors of the East.*—Leo the Philosopher, A.D. 911. Alexander, 912. Constantine VII., surnamed Porphyrogenetus, 975. Romanus Lecapenus took advantage of the youth of this prince, and seized, the imperial throne, but was deposed by his son Stephen, and died in 948. Romanus, first or second son to Constantine VII., 963. Nicephorus Phocas, 970. John Zimisces, 975. Basilius III. Constantine VIII. *Emperors of the West.*—Lewis IV., 912. Conrad I., 919. Henry I., surnamed the Fowler, 936. Otho I., 973. Otho II., 983. Otho III. *Kings of Spain, i.e. of Leon and Asturias.*—Alphonso III., surnamed the Great, abdicates the crown in the year 910. Garcias, 913. Ordogno II., 923. Froila II., 924. Alphonso IV., 931. Ramiro II., 950. Ordogno III., 955. Sanchez the Fat, 964. Ramiro III., 982. Bermudo, called by some Veremond II., 999 Alphonso V. *Kings of France.*—Charles the Simple, 923. Ralph usurps the throne. Lewis d'Outremer, 954. Lothaire II., 986. Lewis the Idler, the last king of the line of Charlemagne, 987. *Third race.*—Hugh Capet, 996. Robert. *Kings of England.*—Edward 925. Athelstan, 941. Edmund, 946. Edred, 955. Edwy, 957. Edgar, 975. Edward, 978. Ethelred *Kings of Scotland.*—Donald V., 903. Constantine III., 943. Malcolm I., 958. Indulfus, 967. Duffus, 972. Cullen, 976. Kenneth III., 904. Constantine IV., 995. Grimus. *Kings of Sweden.*—Ingeld II., 907. Eric VI., 926. Eric VII., 940. Eric VIII., 980. Olaus II., the tributary. The beginnings of the Danish monarchy are so fabulous, that we shall begin with Harold, who first embraced the Christian religion. Harold VI., 980. Sweyn. *Poland.*—Micislaus, the first Christian Duke, dies 999.

POPES OR BISHOPS OF ROME.—John IX., 905. A schism between John IX. and Sergius. Benedict IV., 906. Leo V., 907. A schism between Leo V. and Christopher. Christopher, 908. A schism between Christopher and Sergius. Sergius III., 910. Anastasius III., 912. Lando, 912. John X., 928. Leo VI., 929. Stephen VIII., 931. John XI., 936. Leo VII., 939.—Stephen IX., 943. Martin II., 946. Agapetus II., 955. John XII., 964. A schism between John XII. and Leo. Leo VIII., 965. Benedict V., 965. John XIII., 972. Donus II., 972. Benedict VI., 974., Boniface VII., 984

Benedict VII., 984. John XIV., 985. John XV., 985. John XVI., 996. Gregory V., 999. A schism between John and Gregory V. Sylvester II.

Archbishops of Canturbury.—Plegmond, 917.—Adhelm, 924. Wilfhelm Odo, 957.—Dunstan, 988.—Ethelgar, 988.—Siricius, 993.—Aluric or Alfric.

Ecclesiastical and Theological Writers.—Simeon Metaphrastes.—Leontius of Byzantium.—Odo of Cluny.—Ratherius, bishop of Verona and and Leige.—Hippolytus, the Theban.—Odo, archbishop of Canterbury.—Eutychius, patriarch of Alexandria.—Saidus, patriarch of Alexandria.—Flodoard.—Joseph Genesius Otto, bishop of Verceil.—Dunstan, archbishop of Canterbury.—Luitprand, abbot of Fleury.—Notker, bishop of Leige.—Suidas.—Roswida, a poetess.—Edgar, king of England.—Ælfridus.—Heregar.—Olimpiodorus.—Œcumenius.—Odilo.—Burchard.—Valerius of Astorga, in Spain. His Lives of the Fathers, very different from those that are published, are still in MS. in the library of Toledo.—John Malela.—Constantine Porphyrogenetus.—John of Capua.—Nicolas, patriarch of Constantinople.—Gregory of Cæsarea.—Georges.—Epiphanes.—Severus.—Moses Barcepha.—Alfric, archbishop of Canterbury.—Gerburt, pope.—Oswald.—Sisinnius.

Remarkable Events.—Irruption of the Huns into Germany, and of the Normans into France.—The Danes invade England.—The Moors enter into Spain.—The Hungarians and several Northern nations converted to Christianity.—The pirate Rollo is made Duke of Normandy, and embraces the Christian faith.—The Poles are converted to Christianity, under Micislaus, in the year 965.—The Christian religion is established in Muscovy, Denmark, and Norway.—The plan of the Holy War is formed in this century by Pope Sylvester II.—The Turks and Saracens are united.—Edmund, king of England, is stabbed at a public feast.—The Danish war in England begins, and continues twelve years.—Feudal tenures begin to take place in France.—The influence and power of the monks increase greatly in England.—The kingdom of Italy is united by Otho to the German empire.—Pope Boniface VII. is deposed and banished for his crimes.—Arithmetical figures are brought from Arabia into Europe by the Saracens.—The empire of Germany is rendered elective by Otho III.

Profane Authors.—This century, by way of eminence, is styled the age barbarism and ignorance. The greatest part of the ecclesiastical and theological authors mentioned under that title, were mean, ignorant, and trivial writers, and wrote upon mean and trivial subjects. At the head of the learned men of this age we must place Gerbert, otherwise known by the papal denomination of Sylvester II. This learned pontiff endeavoured to revive the drooping sciences, and the effects of his zeal were visible in this, but still more in the following century.—Suidas Geber, an Arabian chemist, celebrated by the learned Boerhaave.—Constantine Porphyrogenetus.—Albatani, an Arabian astronomer, called by some Albategne.—Razi, a celebrated Arabian chemist and physician.—Leontius, one of the Byzantine historians.—Joseph Genesius.

CENTURY XI.

Sovereign Princes.—*Emperors of the East.*—Basilius III. A.D. 1025.—Constantine VIII., 1028.—Romanus II. Argyr., 1034.—Michael IV. Paphl.

1041.—Michael V. Calaphates, 1042.—Constantine IX. Monomach, 1054.—Theodora, 1056.—Michael VI., Strat., 1057.—Isaac I. Comnenus, 1059.—Constantine X. Ducas, 1067.—Romanus III. Diogenes, 1071.—Nicephorus II. Botoniates, 1080.—Alexis Comnenus.——*Emperors of the West.*—Otho III., 1002.—Henry II., 1024.—Conrad II., 1039.—Henry III., 1056.—Henry IV.——*Kings of Spain, i. e. of Leon and the Asturias.*—Alphonso, 1027.—Veremond III., 1037.——*Kings of Leon and Castile united.*—Ferdinand I. surnamed the Great, 1065.—Sancho II., 1073.—Alphonso VI.——*Kings of France.*—Robert 1031.—Henry I., 1061.—Philip I.——*Kings of England.*—Ethelred, 1016.—Edmond Ironside, 1017.—Canute the Great King of Denmark, 1035.—Harold Harefoot, 1039.—Hardicanute, 1041.—Edward the Confessor, 1066.—Harold, 1066.——*Norman Line.*—William the Conqueror, 1087.—William Rufus, 1100.——*Kings of Scotland.*—Grimus, 1003.—Malcolm II., 1033.—Donald VII., by some called Duncan, 1040.—Macbeth, 1057.—Malcolm III., 1093.—Donald VIII., dethroned 1094.—Duncan II., 1096.—Donald again, 1097.——*Kings of Sweden.*—Olaus II., 1019.—Asmund, 1035.—Asmundslem, 1041.—Hakon, 1050.—Stenchil, 1061.—Ingo III., 1064.—Halstan, 1080.—Philip.——*Kings of Denmark.*—Sweyn, 1014.—Canute the Great, king of England, 1035.—Harold, 1040.—Hardicanute, 1041.—Magnus, 1048.—Sweyn II., 1074.—Harold VII., 1085.—St. Canute, 1086.—Olaus III., 1086.—Eric III.——*Kings of Poland.*—Boleslaus, first king, 1025.—Micislaus 1034.—Interregnum.—Casimir, 1058.—Boleslaus II., 1079.—Ladislaus.——*Kings of Jerusalem.*—Godfrey, chosen king in 1099, dies in 1100.—Baldwin I.

Popes, or Bishops of Rome.—Sylvester II., 1003.—John XVII., 1003.—John XVIII., 1009.—Sergius IV., 1012.—Benedict VIII., 1024. A schism between Gregory and Benedict.—John XIX., 1033.—Benedict IX., 1044. A schism between the two Johns and Benedict.—Gregory VI., 1046.—Clement II., 1048.—Damascus II., 1049.—Leo IX., 1054.—Victor II., 1057.—Stephen IX., 1059.—Benedict X., 1059.—Nicolas II., 1061. A schism between Nicolas II. and Benedict.—Alexander II., 1073. A schism between Alexander II. and Cadalous.—Gregory VII., 1086. A schism between Gregory VII. and Guy, bishop of Ravena.—Victor III., 1088.—Urban II., 1089.

Archbishops of Canterbury.—Aluric, or Alfric, 1006.—Elphegus massacred by the Danes, in the year 1012.—Livingus, 1020.—Agelmoth, 1038.—Eadsinus, 1050.—Robert Gemetic, 1052.—Stigand, 1069.—Lanfranc, 1088.—Anselm.

Ecclesiastical and Theological Writers.—Dithmar, bishop of Merseburg.—Leo the Grammarian.—Aymond.—Fulbert, bishop of Chartres.—Adelbrord, bishop of Utrecht.—Alexius, patriarch of Constantinople.—Berno of Augsburg.—Ademar.—The Brunos.—Lanfranc, archbishop of Canterbury.—Theophanes Cerameus.—Nilus Doxopatrius.—Michael Psellus.—Michael Cerularius.—Simeon the Younger.—Theophylact, a Bulgarian.—Cardinal Humbert.—Petrus Damianus.—Marianus Scotus.—Anselm, archbishop of Canterbury.—Yves, bishop of Chartres.—Hildebert, archbishop of Tours.—Pope Gregory VII.—Gerhard.—Hugh of Breteuil.—Berthold.—Hermannus Contract.—Peter, patriarch of Antioch.—Glaber Radulphus.—Deoduinus, bishop of Leige.—Adelman.—Nicetas Pectoratus.—Leo of Bulgaria.—Constant.—Guitmundus.—Manasses, archbishop of Rheims.—John, patriarch of Antioch.

Sigefrid.—Samonus of Gaza.—Samuel of Morocco, a converted Jew.—John Xiphilinus Lambert. A famous but anonymous work, called Micrologus.—Adam of Bremen.—John Curopalates.—Benno of Ravenna.—Nicolas of Methone.—Philip the Solitary.—Othlon of Fulda.—Tangmar.—Gui Aretine.—Eugisippus.—Dominic of Grado.—Guitmond.—Alberic.—Osborn, a monk of Canterbury.

Remarkable Events.—The Crusades are carried on.—Godfrey of Bouillon takes possession of Jerusalem in the year 1099.—A contest between the emperors and popes, in which the latter discover a most arrogant and and despotic spirit.—The dignity of Cardinal is first instituted in this century.—The Moors are driven by degrees from several parts of Spain; hence arose the division of that country into so many little kingdoms.—Sicily, Castile, Poland, and Hungary are erected into kingdoms.—The kingdoms of Burgundy and Arles is transferred to the emperor Conrad II. by Rodolphus, king of Burgundy.—Several of the popes are looked upon as magicians; as, in these times of darkness, learning, and more especially philosophy and mathematics, were looked upon as magic. Investitures introduced in this century.—The tyranny of the popes is nobly exposed by the emperors Henry I., II., and III., by William I., king of England, and other monarchs of that nation, by Philip king of France, and by the British and German churches.—The Emperor Henry IV. goes barefooted to the insolent pontiff Gregory VII. at Canusium; and does homage to this spiritual tyrant in the most ignominous manner. The same emperor, however, besieges Rome soon after, and makes a noble stand against the pontiff.—Dooms-day book is compiled from a survey of all the estates in England.—Jerusalem is taken by the crusaders.

Profane Authors.—Leo the Grammarian.—Adelbrord.—Michael Psellus.—Anselm, archbishop of Canterbury.—Gui Aretine, the inventor of musical notes.—Wippo.—John, Scylitzes.—Avicenna, an Arabian philosopher.—Stephen, the first Christian king of Hungary.—Alphes, a Jew.—Josippon, or the false Josephus.—Ferdousi, a Persian poet.—Roscelinus.—John the philosopher.—John Curopalates, one of the Byzantine historians.

CENTURY XII.

Soverreign Princes.—*Emperors of the East.*—Alexius I. Comnen., A.D. 1118.—John II. Comnen., 1143.—Emanuel Comnen., 1180.—Alexius II. Comnen., 1183.—Andronicus Comnen., 1185.—Isaac II. Ang., 1195.—Alexius III. Ang. or Comnen.——*Emperors of the West.*—Henry IV., 1106.—Henry V., 1125.—Lotharius II., 1138.—Conrad III., 1152.—Frederic I. surnamed Barbarossa, 1190.—Henry VI., 1197.—Philip.——*Kings of Spain, i. e. of Leon and Castile.*—Alphonso VI., 1109.—Alphonso VII., 1137.—Alphonso VIII., 1157.—Sancho III., 1158.—Ferdinand II., 1175.—Alphonso IX.——*Kings of France.*—Philip I., 1108.—Lewis VI. surnamed the Gros, 1137.—Lewis VII., surnamed the young, 1180.—Philip Aug.——*Kings of England.*—Henry I., 1135.—Stephen, 1154.—Henry II., 1189.—Richard I., 1199.—John.——*Kings of Scotland.*—Edgar, 1106.—Alexander, 1124.—David, 1153.—Malcolm IV., 1165.—William.——*Kings of Sweden.*—Philip, 1110.—Ingo IV., 1129.—Ragwald, 1140.—Magnus, deposed in 1148.—Suercher I., 1160.—Eric, the Holy,

1168.—Canute, 1192.—Suercher II.——*Kings of Denmark.*——Eric II., 1101.—Nicolas, 1135.—Eric III., 1138.—Eric IV., 1147.—Sweyn IV., 1155,—Canute V., 1155.—Valdemar, 1182.—Canute VI.——*Kings of Poland.*—Uladislaus I., 1102.—Boleslaus III., 1139.—Uladislaus II., 1146, Boleslaus IV., 1173.—Micislaus, 1178.—Casimer II., 1192.—Leseus.——*Kings of Jerusalem.*—Baldwin I., 1118.—Baldwin II., 1131 —Foulques,, 1141. Baldwin III., 1162.—Almeric, 1173.—Baldwin IV., 1185.—Baldwin V., 1186. Guy of Lusignan. Jerusalem was retaken by the infidels in 1187.—Almeric, from 1196 to 1205.——*Kings of Portugal.*—Alphonso I., proclaimed king in 1139; dies in 1185.—Sancho I.

Popes, or Bishops of Rome.—Paschal II., 1118.—Clement, Albrecht, Theodore, and Maginulph (Antipopes).—Gelasius II., 1119.—Calistus II., 1124.—Honorius II., 1130.—Innocent II., 1143.—Celestine II., 1144.—Lucius II., 1145.—Eugenius III., 1153.—Anastasius IV., 1155.—Adrain IV. 1159.—Alexander III., 1181.—Lucius III., 1185.—Gregory VIII., 1187.—Clement III., 1191.—Celestine III., 1198.

Archbishops of Canterbury.—Anselm, 1109.—Rodulphus, 1122.—William Corbeil, 1136.—Theobald, 1168.—Thomas à Becket, 1170.—Richard, 1183.—Baldwin, 1191.—Reginald Fitzjocelin, 1191.—Hubert Walter.

Ecclesiastical and Theological Writers.—Gilbert, abbot of Westminster.—Guilbert.—Sigebert of Gemblours.—Peter Alphonso.—Odo of Orleans.—Godfrey of Vendome.—Rupert of Duyts.—Baldric.—Arnulph, bishop of Lisieux.—Bernard of Clairval.—Abelard.—Athelred.—Baldwin, archbishop of Canterbury.—Euthimius Zigab.—William of Somerset.—John of Salisbury.—Thomas à Becket, archbishop of Canterbury.—Gervais, a monk of Canterbury.—Nicephorus of Brienne.—Anselm, bishop of Havelb.—John Zonarus.—Mich. Glycas.—Hugh Victorinus.—Eadmerus.—George Cedrenus.—Peter the Venerable.—Honorius of Autun.—Foucher.—Alger.—Gratian.—Peter Lombard.—Henry of Huntingdon.—William, bishop of Rheims.—Constantine Harmen.—Orderic Vital.—Constantine Manass.—Zacharius Chrysop.—Peter of Blois.—Peter Comestor.—Peter de Celles.—Peter of Poictiers.—John Cinnamus.—John Beleth.—Helmold.—Gislebert, bishop of London.—Stephen Harding.—George Xiphilin.—Alexander Arist.—Godfrey of Viterbo.—Theod.—Balsamon.—Richard of St. Victor.—William of Auxerre.—Bruno of Ast.—Simeon of Durham.

Remarkable Events.—The Sclavonians and the inhabitants of the island of Rugen receive the light of the gospel, and their example is followed by the Livonians and Finlanders.—The state of affairs in Asiatic Tartary changes in favour of the Christians, by the elevation of Prester John.—The crusade is renewed.—The kingdom of Jerusalem is overturned, and the affairs of the Christains in Palestine decline.—A third crusade undertaken.—The three famous military orders instituted, viz.:—The Knights of St. John of Jerusalem; the Knights Templars; the Teutonic Knights of St. Mary.—The original MS. of the famous Pandect of Justinian is discovered in the ruins of Amalphi, or Melphi, when that city was taken by Lotharius II. in 1137, and this emperor makes a present of it to the city of Pisa, whose fleet had contributed, in a particular manner, to the success of the siege.—The

contest between the emperors and the popes is renewed under Frederic Barbarossa and Adrian IV. The insolence of the popes excessive.—Becket, archbishop of Canterbury, assassinated before the altar, while he was at vespers in his cathedral.—The scholastic theology had its rise in this century. —The seeds of the Reformation sown in this century by the Waldenses, and other eminent men, in England and France.—The canon law formed into a body by Gratian.—Academical degrees introduced in this century.—Learning revived and encouraged in the university of Cambridge.—The pope declares war against Roger, king of Sicily, who takes from his holiness Capua and Beneventum.—The council of Clarendon held against Becket.—The kings of England and France go to the Holy Land.—Henry II. of England, being called by one of the Irish kings to assist him, takes possession of Ireland.

Profane Writers.—Roger Bacon.—Anselm of Laon.—Vaccarius.—Leoninus, the supposed introducer of Latin rhymes.—Roger Hoveden.—John of Salisbury.—William of Somerset.—John Zonaras.—George Cedrenus.—John Cinnamus.—Sylvester Girald, bishop of St. David's.—Godfrey of Viterbo.—William of Newbury, an English historian.—Pelagius, bishop of Oviedo.—John of Milan, author of the poem called Schola Salernitana.—Robert Pullein, an English cardinal.—Abraham Aben-Ezro.—John and Isaac Tzetzes.—Henry of Huntingdon.—Nicetas.—Wernier.—Moses Maimonides. —Anvari, a Persian astronomer.—Portius Azo,—Nestor, a Russian historian. Falcandus.—Benjamin de Tudela, a Spanish Jew, whose travels were translated by Baratier.—Averroes.—Eustathius, bishop of Thessalonica.—Solomon Jarchi.—Alhasen, an Arabian, who composed a large work on Optics.—George Elmacin, author of the history of the Saracens, translated by Erpennius.—Jeffrey of Monmouth.

CENTURY XIII.

Sovereign Princes.—*Emperors of the East.*—Alexius III., dethroned in 1203.—Alexius IV., dethroned in 1204.—Alexius Ducas, surnamed Murzuphle, 1204.—*Latin Emperors of the East, residing at Constantinople.*—Baldwin I., 1205.—Henry, 1216.—Peter, 1221.—Robert, 1229.—Baldwin II., 1261.——*Greek Emperors residing at Nice.*—Theodore Lascaris, 1222.—John Ducas III., 1255.—Theodore Lascaris, 1259.—John Lascaris IV., 1259.—Mich. Palæologus retakes Constantinople in the year 1261, and thus unites in his person the Latin and Greek empires; he dies in 1283.—Andronicus II.——*Emperors of the West.*—Philip, 1208.—Otho IV., 1218.—Frederic II., 1250.—Civil wars, and an interregnum, during which, Conrad of Suabia; William, count of Holland; Richard, king of England; Alphonso of Spain; Ottocar of Bohemia, appear on the scene of action.—Rodolphus of Hapsburg is elected emperor, and dies in 1291.—Adolphus of Nassau, 1298.—Albert I. ——*Kings of Spain, i. e. of Leon and Castile.*—Alphonso IX., 1214.—Henry I., 1217.—Ferdinand III., 1252.—Alphonso X., 1284.—Sancho IV., 1295.—Ferdinand IV.——*Kings of France.*—Philip Aug., 1223.—Louis VIII., 1226. —Louis IX., sainted 1270.—Philip III. the Hardy, 1285.—Philip IV. the Fair.——*Kings of England.*—John, 1216.—Henry III., 1272.—Edward I.

—*Kings of Scotland*—William, 1214.—Alexander II., 1249.—Alexander III., 1286.—Interregnum.—John Baliol.——*Kings of Sweden.*—Suercher II., 1211.—Eric X., 1218.—Jean I., 1222.—Eric XI., 1250.—Waldemar, 1276.—Manus, 1290.—Birger.——*Kings of Denmark.*—Canute VI., 1202.—Waldemar II., 1241.—Eric VI., 1250.—Abel, 1252.—Christopher, 1259.—Eric VII., 1286.—Eric VIII.——*Kings of Poland.*—Lescus V., 1203.—Uladislaus III., 1226.—Boleslaus V., 1279.—Lescus VI., 1289.—Boleslaus, Henry, and Uladislaus, take the title of Governors.—Premislaus, 1296.—Uladislaus IV., deposed in 1300.—Winceslaus, king of Bohemia.——*Kings of Portugal.*—Sancho I., 1212.—Alphonso II., 1223.—Sancho II., 1246.—Alphonso III., 1279.—Dennis.

Popes, or Bishops of Rome.—Innocent III., 1216.—Honorius III., 1226.—Gregory IX., 1241.—Celestine IV., 1234.—Innocent IV., 1254.—Alexander IV., 1261.—Urban IV., 1264.—Clement IV., 1268.—Gregory IX., 1276.—Innocent V., 1276.—Adrain V., 1276.—John XX., 1277.—Nicolas III., 1280.—Martin IV., 1285.—Honorius IV., 1288.—Nicolas IV., 1292.—Celestine V., 1294.

Archbishops of Canterbury.—Hub. Walter, 1204.—Stephen Langton, 1228.—Richard Wethershed, 1231.—St. Edmund, 1242.—Boniface, 1270.—Robert Kilwarby, 1578.—John Peckham, 1291.—Robert Winchelsey.

Ecclesiastical and Theological Writers.—Joachim.—John, bishop of Macedonia.—Demetrius Chomatenus.—Mark, patriarch of Alexandria.—Malachy, archbishop of Armagh.—Niectas Choniates.—Francois d'Assise.—Alan de l'Isle.—Jacobus de Vitriaco.—Peter the Monk.—Anthony of Padua.—Germanus Cæsarius.—William of Paris.—Raymond of Pennafort.—Alexander de Hales.—Edmund Rich, archbishop of Canterbury.—Thomas of Spalatro.—John Peckham, archbishop of Canterbury.—Roger Bacon.—Albert the Great.—Robert Grossoteste.—Vincent de Beauvais.—Robert Sorbon.—George Acropolita.—Hugo de St. Caro.—George Metochita.—Guillaume de St. Amour.—Nicephorus Blem.—Thomas Acquinas.—Bonaventura.—Gilbert of Tournay.—John of Paris, an opposer of transubstantiation and papal tyranny.—John Beccus.—Nicetas Acomenatus.—Theodore Lascaris.—Arsenius.—George Pachymer.—George the Cyprain.—Stephen Langton, archbishop of Canterbury.—Robert Capito.—Thomas Cantiprat.—Richard Middleton.—William Durand.—Ægidius de Columna.—Guil. Peraldus.—Martin Polon.—Raymond Martin.—Gregory Abulfaragius.—Jacob de Voragine.—Guillaume de Seignelai, bishop of Auxerre.—William of Auvergne, bishop of Paris.—Henry of Ghent.—Pope Boniface VIII.

Remarkable Events.—The Mahometan Religion triumphs over Christianity in China and the northern parts of Asia, by flattering the passions of voluptuous princes.—A papal embassy is sent to the Tartars by Innocent IV.—A fourth crusade is undertaken by the French and Venetians, who make themselves masters of Constantinople, with a design to restore the throne to Isaac Angelus, who had been dethroned by his brother Ducas.—The emperor Isaac is put to death in a sedition, and his son Alexius strangled by Alexius Ducas, the ringleader of this faction.—The crusaders take Constantinople a second time, dethrone Ducas, and elect Baldwin, count of Flanders, emperor

emperor of the Greeks.—The empire of Franks in the East, which has subsisted fifty-seven years, is overturned by Michael Palæologus.—A fifth crusade, which is carried on by the confederate arms of Italy and Germany.—Damiette taken, but soon after retaken.—The fleet of the crusaders ruined by the Saracens.—The fifth crusade undertaken by Lewis IX., who retakes Damietta, is afterwards reduced, with his army, to the greatest extremeties; dies of the plague in a second crusade, and is canonized.—The knights of the Teutonic order, under command of Herman de Saltza, conquer and convert to Christianity the Prussians, at the desire of Canrad, duke of Massovia.—Christianity is propagated among the Arabians in Spain.—The philosophy of Aristotle triumphs over all the systems that were in vogue before this century.—The power of creating bishops, abbots, &c., is claimed by the Roman pontiffs, whose wealth and revenues are thereby greatly augmented.—John, king of England, excommunicated by pope Innocent III., is guilty of the basest compliances, through his slavish fear of that insolent pontiff.—The inquisition established in Narbonne Gaul, and committed to the direction of Dominic and his order, who treat the Waldenses, and other reputed heretics, with the most inhuman cruelty.—The Magna Charta is signed by King John and his barons, on the 15th June, at Runnymede, near Windsor.—Conrad, duke of Suabia, and Frederick of Austria, beheaded at Naples by the direction of pope Clement.—The Jews are driven out of France by Lewis IX., and all the copies of the Talmud that could be found are burnt.—The college of electors founded in the empire.—The association of the Hanse Towns.—The present House of Austria take their rise in this century.—Wales is conquered by Edward, and united to England.—There is an uninterrupted succession of English parliaments from the year 1293.

Profane Authors.—Roger Bacon, one of the great restorers of learning and philosophy.—Saxo Grammaticus.—Ralph de Diceto.—Walter of Coventry.—Alexander of Paris, the founder of French poetry.—Villehardoin, an historian.—Accursi of Florence.—Kimchi, a Spanish Jew.—Conrad de Lichtenaw.—John Holywood, called De Sacro Bosco, author of the Sphæra Mundi.—Actuarius, a Greek Physcian.—Rod. Ximenes, archbishop of Toledo.—Michael Coniat, bishop of Athens.—Ivel.—Aiggord, an historian.—Pierre de Vignes.—Matthew Paris.—Suffrides.—Soxomene, author of the Universal Chronology, which is yet in MS. in the possession of the regular canons of Fisoli, near Florence.—Bathol. Cotton of Norwich; see Wharton's Anglia Sacra.—Engelbert.—Thos. Wicke, an English historian.—Vitellio, a Polish mathematician.—Albert the Great.—Colonna, archbishop of Messina.—Michael Scot, the translator of Aristotle.—Gregory Abulfaragius.—Foscarari of Bologna.—Alphonso, king of Castile.—Cavalcanti of Florence.—Dinus, a famous jurist.—Marco Paolo, a Venetian, whose travels in China are curious.—Francis Barberini, an Italian poet.

CENTURY XIV.

Sovereign Princes.—*Emperors of the East.*—Andronicus II., A.D. 1332.—Andronicus the Younger, 1341.—John Cantacuzenus usurps the government under John Palæologus, and holds it till the year 1355.—John VI., Palæ-

1390.—Andronicus IV., 1392.—Emanuel II.——*Emperors of the West.*—Albert I., 1308.—Henry VII. Luxem., 1313.—Lewis V. Bav., 1347.—Charles IV.—1378.—Wenceslaus, 1400.——*Kings of Spain, i. e. of Leon and Castile.*—Ferdinand IV., 1312.—Alphonso IX., 1350.—Pedro the Cruel, 1369.—Henry II., 1379.—John I., 1390.—Henry III.——*Kings of France*—Philip the Fair, 1314.—Lewis X. Hutin, 1315.—Philip V., 1321.—Philip VI. Valois, 1350.—John, 1364.—Charles V., 1380.—Charles VI.——*Kings of England.*—Edward I., 1307.—Edward II., 1327.—Edward III., 1377.—Richard II., 1399.—Henry IV.——*Kings of Scotland*—John Baliol, 1306.—Robert Bruce, 1329.—David II., 1370.—Robert II., 1390.—Robert III.——*Kings of Sweden.*—Birger, 1326.—Magnus, 1363.—Albert defeated by Margaret queen of Denmark in 1387: dies in the year 1396.—Margaret——*Kings of Denmark.*—Eric VIII., 1321.—Christopher II., 1333.—Waldemar III., 1375.—Olaus, 1387.—Margaret.——*Kings of Poland.*—Winceslaus, 1305.—Uladislaus reascends the throne, and dies in 1333.—Cassimir III., 1370, the last of the Piasts.—Lewis king of Hungary, 1387.—Interregnum.—Uladislaus.—Jagellon, duke of Lithuania.——*Kings of Portugal.*—Dennis, 1325.—Alphonso IV., 1357.—Pedro the Justiciary, 1367.—Ferdinand, 1383.—Interregnum.—John I.——*Ottoman Emperors.*—The ancient history of the Turks extends from the beginning of the seventh to the commencement of the fourteenth century. The modern commences about the beginning of the fourteenth century.—Othman, 1327.—Or Khan, 1359.—Amurat, or Morad, 1389.—Bajazet.

Popes, or Bishops of Rome.—Boniface VIII., 1303.—Benedict XI., 1314.—Clement V., 1316.—John XXI., 1334. A schism between Peter and John.—Benedict XII., 1342.—Clement VI., 1352.—Innocent VI., 1362.—Urban V., 1372.—A schism between Urban and Clement.—Gregory XI., 1378. The death of Gregory XI., occasioned that violent schism that threw the Western church into the utmost confusion. The church of Rome had two popes, one residing at Rome, the other at Avignon.——*At Rome.*—Urban VI., 1389.—Boniface, IX.——*At Avignon.*—Clement VII., not acknowledged, 1394.—Benedict XIII.

Archbishops of Canterbury.—Robert Winchelsey, 1313.—Walter Reynold, 1327.—Simon Mepham, 1333.—J. Stratford, 1348.—Thomas Bradwardine, 1349.—Simon Islip, 1365.—Simon Langham, 1374.—Simon Sudbury, 1381.—W. Courtney, 1396.—Thomas Arundel.

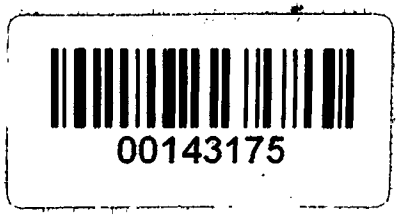
Ecclesiastical and Theological Writers.—Nicephorus Callistus.—Raymond Lully.—Matthæus Blastares.—Barlaam.—Greg.—Acindynus.—John Cantacuzenus.—Nicephorus Greg.—John Duns Scotus.—Andrew of Newcastle.—Francis Mayron.—Durand of St. Portian.—Nicolas de Lyra.—John Bacon.—William Occam.—Nicolas Triveth.—Andrew Horne.—Richard Bury Walter Burley.—Richard Hampole.—Robert Holkot.—Thomas Bradwardine, archbishop of Canterbury.—John Wickliffe.—Thomas Stubbs.—John de Burgo.—William Woolfort. *The last thirteen all English authors.*—Peter Aureolus.—John Bassolis.—Bernard Guido.—Alvarus Pelagius.—Theophanes, bishop of Nice.—Philotheus.—Antonius Andreas.—Herveus Natalis.—Thomas of Strasburg.—Raynerius of Pisa.—John of Friburg.—Pope Clement VI.—Thomas Joysius.—John of Naples.—Albert of Padua.—Michael Cesenas.

—Gregoroy Palamas.—Andronicus.—Peter of Duisburg.—Ludolf Saxon.—Cardinal Cajetan.—James of Viterbo.—Cardinal Balde.—George of Rimini,—Pope Benedict XII.—Guy of Perpignan.—Nicolas Cabasilas, archbishop of Thessalonica.—Richard, bishop of Armagh.—Demetrius Cydonius.—Petrarch.—Peter Berchorius.—John Cyparissotes.—Nicolas Oresme.—Philip Ribot.—Nilus Rhodius.—Marsilius Pat.—Maximus Plan.—John Taulerus.—Greg. Palamas.—Nic. Eymericus.—John Ruysbrock.—Manuel Caleca.—Catherine of Sienna.—St. Bridget.—Gerhard of Zutphen.—Pierre Ailli.—Francis Zaberella.—Marsilius of Padua, who wrote against the papal jurisdiction.—Phillippe de Mezieres.—Jordan of Quelinburg.—Barth. Albici of Pisa, author of the famous book of the Conformities of St. Francis with Jesus Christ.—Fabri, bishop of Chartres.—Michael Angrianus.—Raymond Jordan.—Jac. de Theramo.—Manuel Chrysoloras.—Cardinal Francis Zabarella, with many others, too numerous to mention.

Remarkable Events.—Fruitless attempts made to renew the crusades.—Christianity encouraged in Tartary and China; but loses ground towards the end of this century.—The Lithuanians, and Jagello, their prince converted to the Christian faith in the year 1386.—Many of the Jews are compelled to receive the gospel.—Philosophy and Grecian literature are cultivated with great zeal in this century.—The disputes between the Realists and Nominalists revived.—Philip the Fair, king of France, opposes with spirit the tyrannic pretensions of the pope to a temporal jurisdiction over kings and and princes, and demands a general council to depose Boniface VIII., whom he accuses of heresy, simony, and several enormities.—The papal authority declines.—The residence of the popes removed to Avignon.—The Universities of Avignon, Orleans, Florence, Cahors, Heidelberg, Prague, Perpignan, Cologne, Pavia, Cracovia, Vienna, Geneva, Orange, Sienna, Erfurt, and Angers founded.—The rise of the great western schism, which destroyed the unity of the Latin church, and placed at its head two rival popes.—John Wickliffe opposes the monks, whose licentiousness and ignorance were scandalous, and recommends the study of the Holy Scriptures.—The Knights Templars are seized and imprisoned; the greatest part of them put to death, and their order suppressed.—The Rise of the Roman empire in 1303.—The Golden Bull, containing rules for the election of an emperor, and a precise account of the dignity and privileges of the electors, is issued out by Charles IV.—Pope Clement VI. adds the county of Avignon to the Papal territories.—The Emperor Henry VII. dies, and is supposed by some authors to have been poisoned by a consecrated wafer, which he received at the sacrament, from the hands of Bernard Politian, a Dominican monk. This account is denied by authors of good credit. The matter, however, is still undecided.—Gunpowder is invented by Schwartz, a monk.—The mariner's compass is invented by John Goia, or, as others allege, by Flavio.—The city of Rhodes is taken from the Saracens, in the year 1310, by the Knights Hospitallers, or, as they are now called, Knights of Malta.—Tamerlane extends his conquests in the East.—The Bible is translated into French by the order of Charles V.—The beginning of the Swiss Cantons.—The Emperor Lewis of Bavaria, Philip the Fair, king of France, Edward III., king of England, who opposed the tyranny

of the popes, may be looked upon as witnesses to the truth, and preparers of the Reformation. To these we may add Durand, Gerson, Olivus, who called the pope Antichrist, and Wickliffe, who rejected transubstantiation, the sacrifice of the mass, the adoration of the host, purgatory, meritorious satisfactions by penance, auricular confession, the celibacy of the clergy, papal excommunications, the worship of images, the Virgin, and relics.—The order of the Garter is instituted in England by Edward III.

Profane Authors.—Dante, the principal restorer of philosophy and letters, and also one of the most sublime poets of modern times.—Petrarch.—Boccaccio.—Chaucer.—Matthew of Westminster.—Nicolas Triveth.—Nicephorus Gregoras, the compiler of the Byzantine History.—Theodore.—Metochita.—Guillaume de Nangis, historian.—Henry Stero, historian.—Dinus Mugellanus.—Evrard, historian.—Hayton, an Armenian historian.—Albertino Mussato.—Orderick de Forli.—Lupold, bishop of Bamberg.—Peter of Douisbourg, an historian.—Albert of Strasbourg, an historian.—Barlaam of Calabria, master of Petrarch.—Joinville.—Peter de Aponno, physician and astronomer.—Marsilius of Padua, a famous lawyer.—John Andre, an eminent jurist.—Leontius Pilato, one of the restorers of learning.—Gentilis de Foligno.—Ismael Abulfeda, an Arabian prince.—Peter of Ferrara.—Arnold of Villeneuve.—William Grisant, an English mathematician.—Homodei of Milan.—Albergotti of Arezzo.—Philip of Leyden.—Baldus de Ubaldis.—Froissart, a French historian.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